

eserves  
FI  
235  
21  
3:18  
ay 5,  
989

KFI1235 .A21  
13:18  
Illinois register  
Received on: 05-09-89

Secretary of State

VOLUME 13  
ISSUE 18

A WEEKLY  
PUBLICATION

May 5  
1989

Pages 6853-7180

Secretary of State  
Administrative Code Div.  
201 West Monroe  
Springfield, IL 62756

(217) 782-9786

# ILLINOIS REGISTER

## Rules of Governmental Agencies

### TABLE OF CONTENTS

PROPOSED RULES	PAGE
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF Service-Connected Days Benefit Administration; 80 Ill. Adm Code 2150 .....	6853
EXPERIMENTAL ORGAN TRANSPLANTATION PROCEDURES BOARD Transplantation Program; 77 Ill. Adm. Code 2800 .....	6856
POLLUTION CONTROL BOARD Underground Storage Tanks; 35 Ill. Adm. Code 731 .....	6861
PUBLIC HEALTH, DEPARTMENT OF Food Service Sanitation Code; 77 Ill. Adm. Code 750 .....	6888
Ill. Alzheimer's Disease & Related Disorders Assistance Code; 77 Ill. Adm. Code 710 .....	6913
Plumbers; 68 Ill. Adm. Code 750, Repeal of .....	6934
Plumbers Licensing Code; 68 Ill. Adm. Code 750 .....	6949
Retail Food Store Sanitation Code; 77 Ill. Adm. Code 760 .....	6964
ADOPTED RULES	
CAPITAL DEVELOPMENT BOARD Standards for Award of Grants Elementary & Secondary Schools Capital Assistance Program; 71 Ill. Adm. Code 40 .....	6973
CHILDREN AND FAMILY SERVICES, DEPARTMENT OF Administration & Funding of Community-Based Services to Youth; 89 Ill. Adm. Code 334 .....	6986
CORRECTIONS, DEPARTMENT OF Records of Committed Persons; 20 Ill. Adm. Code 107 .....	6992
PROFESSIONAL REGULATION, DEPARTMENT OF Optometric Practice Act of 1987; 68 Ill. Adm. Code 1320 .....	6994
PUBLIC AID, DEPARTMENT OF Medical Payment; 89 Ill. Adm. Code 140 .....	7025
Point Count Guidelines for ICF/MR & SNF/PED Facilities; 89 Ill. Adm. Code 146, Recodified .....	7040
Reimbursement for Nursing Costs for Geriatric Facilities; 89 Ill. Adm. Code 147 .....	7043
SECRETARY OF STATE Collection of Fees; 92 Ill. Adm. Code 1003 .....	7048
PEREMPTORY RULES	
TRANSPORTATION, DEPARTMENT OF Relocation Assistance & Payments Program; 92 Ill. Adm. Code 518 .....	7057
AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL TO PROPOSED RULES	
PUBLIC AID, DEPARTMENT OF Reimbursement for Nursing Costs for Geriatric Facilities; 89 Ill. Adm. Code 147, Refusal .....	7148
SECRETARY OF STATE Collection of Fees; 92 Ill. Adm. Code 1003, Refusal .....	7150
PUBLIC HEARINGS	
ELECTIONS, STATE BOARD OF Constitutional Amendments & Statewide Questions of Public Policy; 26 Ill. Adm. Code 208 .....	7151
Established Political Party & Independent Candidate Nominating Petitions; 26 Ill. Adm. Code 201 .....	7152
Miscellaneous; 26 Ill. Adm. Code 207 .....	7153
New Political Party Nominating Petitions; 26 Ill. Adm. Code 202 .....	7154

(continued on next page)



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

Agenda for May 9, 1989 .....	7155
Second Notices Received .....	7165

## EXECUTIVE ORDERS AND PROCLAMATIONS

### PROCLAMATIONS

89-159 - Food & Beverage Packaging Week (Revised) .....	7167
89-176 - Music in Our Schools Month .....	7168
89-177 - Centenarians Day .....	7169
89-178 - Student Council Leadership Week .....	7170
89-179 - Teacher Appreciation Week .....	7171
89-180 - The Year of Recognition for the Institute of Business Designers .....	7172
89-181 - Just Say No Day .....	7173
89-182 - Moscow-Chicago Theatre Exchange Week .....	7174
89-183 - Nursing Home Week .....	7175
89-184 - Enterostomal Therapy Nurses Day .....	7176
89-185 - Nurses' Week .....	7177
89-186 - Bird Appreciation Week .....	7178
89-187 - Stamp Collecting Week .....	7179
89-188 - Stephen A. Forbes Biological Station Day .....	7180

### CUMULATIVE INDEX

1989 Index - Issue #1 thru Issue #18 .....	CH-1
--	------

### SECTIONS AFFECTED INDEX

1989 Index - Issue #1 thru #17 .....	SAI-1
1989 Index - Issue #18 .....	SAI-33



## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

## REGISTER PUBLICATION SCHEDULE 1989

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1988	Dec. 27, 1988	1	Jan. 6, 1989	June 27, 1989	July 3, 1989 (Mon.)	28	July 14, 1989
Dec. 27, 1988	Jan. 3, 1989	2	Jan. 13, 1989	July 3, 1989 (Mon.)	July 11, 1989	29	July 21, 1989
Jan. 3, 1989	Jan. 10, 1989	3	Jan. 20, 1989	July 11, 1989	July 18, 1989	30	July 28, 1989
Jan. 10, 1989	Jan. 17, 1989	4	Jan. 27, 1989	July 18, 1989	July 25, 1989	31	Aug. 4, 1989
Jan. 17, 1989	Jan. 24, 1989	5	Feb. 3, 1989	July 25, 1989	Aug. 1, 1989	32	Aug. 11, 1989
Jan. 24, 1989	Jan. 31, 1989	6	Feb. 10, 1989	Aug. 1, 1989	Aug. 8, 1989	33	Aug. 18, 1989
Jan. 31, 1989	Feb. 7, 1989	7	Feb. 17, 1989	Aug. 8, 1989	Aug. 15, 1989	34	Aug. 25, 1989
Feb. 7, 1989	Feb. 14, 1989	8	Feb. 24, 1989	Aug. 15, 1989	Aug. 22, 1989	35	Sept. 1, 1989
Feb. 14, 1989	Feb. 21, 1989	9	Mar. 3, 1989	Aug. 22, 1989	Aug. 29, 1989	36	Sept. 8, 1989
Feb. 21, 1989	Feb. 28, 1989	10	Mar. 10, 1989	Aug. 29, 1989	Sept. 5, 1989	37	Sept. 15, 1989
Feb. 28, 1989	Mar. 7, 1989	11	Mar. 17, 1989	Sept. 5, 1989	Sept. 12, 1989	38	Sept. 22, 1989
Mar. 7, 1989	Mar. 14, 1989	12	Mar. 24, 1989	Sept. 12, 1989	Sept. 19, 1989	39	Sept. 29, 1989
Mar. 14, 1989	Mar. 21, 1989	13	Mar. 31, 1989	Sept. 19, 1989	Sept. 26, 1989	40	Oct. 6, 1989
Mar. 21, 1989	Mar. 28, 1989	14	Apr. 7, 1989	Sept. 26, 1989	Oct. 3, 1989	41	Oct. 13, 1989
Mar. 28, 1989	Apr. 4, 1989	15	Apr. 14, 1989	Oct. 3, 1989	Oct. 10, 1989	42	Oct. 20, 1989
Apr. 4, 1989	Apr. 11, 1989	16	Apr. 21, 1989	Oct. 10, 1989	Oct. 17, 1989	43	Oct. 27, 1989
Apr. 11, 1989	Apr. 18, 1989	17	Apr. 28, 1989	Oct. 17, 1989	Oct. 24, 1989	44	Nov. 3, 1989
Apr. 18, 1989	Apr. 25, 1989	18	May 5, 1989	Oct. 24, 1989	Oct. 31, 1989	45	Nov. 13, 1989 (Mon.)
Apr. 25, 1989	May 2, 1989	19	May 12, 1989	Oct. 31, 1989	Nov. 7, 1989	46	Nov. 17, 1989
May 2, 1989	May 9, 1989	20	May 19, 1989	Nov. 7, 1989	Nov. 14, 1989	47	Nov. 27, 1989 (Mon.)
May 9, 1989	May 16, 1989	21	May 26, 1989	Nov. 14, 1989	Nov. 21, 1989	48	Dec. 1, 1989
May 16, 1989	May 23, 1989	22	June 2, 1989	Nov. 21, 1989	Nov. 28, 1989	49	Dec. 8, 1989
May 23, 1989	May 30, 1989	23	June 9, 1989	Nov. 28, 1989	Dec. 5, 1989	50	Dec. 15, 1989
May 30, 1989	June 6, 1989	24	June 16, 1989	Dec. 5, 1989	Dec. 12, 1989	51	Dec. 22, 1989
June 6, 1989	June 13, 1989	25	June 23, 1989	Dec. 12, 1989	Dec. 19, 1989	52	Dec. 29, 1989
June 13, 1989	June 20, 1989	26	June 30, 1989	Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990
June 20, 1989	June 27, 1989	27	July 7, 1989	Dec. 26, 1989	Jan. 2, 1990	2	Jan. 12, 1990

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).







## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Service-Connected Days Benefit Administration

2) Code Citation: 80 Ill. Adm. Code 2150

3) Section number: Proposed Action:

2150.1

Amend

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 127, par. 63b4

5) A Complete Description of the Subjects and Issues Involved:

Technical amendments to bring rules in compliance with agreement with JCAR staff.

6) Will this proposed amendment replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Michael Bates  
604 Stratton Office Building  
Springfield, IL 62706  
(217)785-4197

12) Initial Regulatory Flexibility Analysis: Does not apply to small businesses.

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE F: EMPLOYEE INSURANCE

CHAPTER 1: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## PART 2150

## SERVICE-CONNECTED DAYS BENEFIT ADMINISTRATION

## Section

2150.1 Definitions

2150.2 Entitlement

2150.5 Policy

**AUTHORITY:** Implementing and authorized by Section 64.1 of the Civil Administrative Code of Illinois as amended (Ill. Rev. Stat. 1987, ch. 127, par. 63b4).

**SOURCE:** Adopted at 13 Ill. Reg. 2402, effective February 8, 1989; amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 2150.1 Definitions

"Accident" for the purpose of this Part means an illness or injury arising out of and within the scope of employment which precludes an employee from performance of job duties and requires time away from work.

"Agency" for the purpose of this Part refers to any State agency offering the Service-Connected days benefit as a part of their Workers' Compensation program.

"Compensable accident" for the purpose of this Part means any accident that falls under the coverages afforded by the Workers' Compensation Act (Ill. Rev. Stat. 1987, ch. 48, pars. 138 et seq.) or Workers' Occupational Diseases Act (Ill. Rev. Stat. 1987, ch. 48, pars. 172 et seq.), and is deemed to be a valid claim by the Department of Central Management Services (DCMS), Risk Management Division, other appropriate State claims administration units, or is ruled a compensable claim by the Illinois Industrial Commission through arbitration proceedings.

"Employee" for the purpose of this Part means any regular officer or employee who receives salary or wages for personal service rendered to the State of Illinois and is eligible for coverage under Section 1(b) of the Workers' Compensation Act or Section 1(b) of the Workers' Occupational Diseases Act.

"Physician Statement" for the purpose of this Part means a statement from a practitioner licensed to practice medicine in the State of Illinois (~~or who is licensed~~ or who practices medicine in another state and meets the licensure requirements of that state).



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

"State Service-Connected Day" for the purpose of this Part means an authorized absence from work at full salary paid from Personal Services appropriations when the absence is due to a compensable accident injury or illness as determined by the DCMS Risk Management Division (or other appropriate State claims administration units) and within the guidelines outlined in the Workers' Compensation Act or Workers' Occupational Diseases Act. The employee shall not be charged any accumulated benefit time such as sick leave, vacation time, compensatory time, or personal business days for this authorized absence.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## EXPERIMENTAL ORGAN TRANSPLANTATION PROCEDURES BOARD

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part:

Transplantation Program

2) Code Citation:

77 Ill. Adm. Code 2800

3) Section Numbers:

2800.102

Proposed Action:

Amendment

4) Statutory Authority:

Experimental Organ Transplantation Procedures Act  
Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6601 et seq.

5) A Complete Description of the Subjects and Issues Involved:

The existing Rules and Regulations established standards for the Experimental Organ Transplantation (E.O.T.) Program. The proposed amendments make the following changes to the standards:

1. Add double lung transplants to the list of procedures for which financial assistance is provided by the E.O.T. Program.
2. Clarify the date on which financial assistance became available for children's liver transplants.

The proposed amendments will have a positive effect on the regulated public as the E.O.T. Procedures Board has determined that double lung transplantation procedures are clinically viable and useful for the prolongation of life or vital functions.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates that this proposed rulemaking will become effective approximately six to nine months from the date of publication as proposed in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes \_\_\_\_\_ No X

7) Does this Rulemaking contain an Automatic Repeal Date? Yes \_\_\_\_\_ No X



## EXPERIMENTAL ORGAN TRANSPLANTATION PROCEDURES BOARD

## NOTICE OF PROPOSED AMENDMENTS

If "yes," please specify the date: \_\_\_\_\_

- 8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes \_\_\_\_\_ No X

If "yes," please specify type: 6.02(a) \_\_\_\_\_ or 6.02(b) \_\_\_\_\_

- 9) Are there any other Proposed Amendments Pending on this Part?

Yes \_\_\_\_\_ No X

If Yes: \_\_\_\_\_

Section Numbers	Proposed Action	Ill. Reg. Citation
-----------------	-----------------	--------------------

- 10) Statement of Statewide Policy Objectives:

Please specify:

The E.O.T. Procedures Board has determined that double lung transplantation procedures are clinically viable and useful for the prolongation of life or vital functions and therefore reimbursable by the E.O.T. Program. The proposed rulemaking does not create any state mandates nor does it relate to transplant facilities located only in the State of Illinois.

- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

- 12) Initial Regulatory Flexibility Analysis:

## EXPERIMENTAL ORGAN TRANSPLANTATION PROCEDURES BOARD

## NOTICE OF PROPOSED AMENDMENTS

- A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

April 24, 1989

- B) Type of Small Businesses Affected:

Teaching hospitals or affiliated medical center.

- C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None.

- D) Types of Professional Skills Necessary for Compliance:

None.

The full text of the Proposed Amendments begins on the next page:



EXPERIMENTAL ORGAN TRANSPLANTATION PROCEDURES BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER XII: EXPERIMENTAL ORGAN TRANSPLANTATION PROCEDURES BOARD  
SUBCHAPTER a: EXPERIMENTAL ORGAN TRANSPLANTATION PROGRAM

PART 2800

TRANSPLANTATION PROGRAM

SUBPART A: DEFINITIONS

Section  
2800.101 Definitions  
2800.102 Approved Transplantation Procedures

SUBPART B: APPLICATION REQUIREMENTS

Section  
2800.201 Applications  
2800.202 Patient Information  
2800.203 Institutional Information

SUBPART C: APPROVAL OF ESTABLISHED PROGRAM

Section  
2800.301 Determination of Established Program

SUBPART D: RECOMMENDATION FOR FUNDING

Section  
2800.401 Determination of Funding

SUBPART E: EMERGENCY APPROVAL PROCEDURES

Section  
2800.501 Emergency Approval Procedures

Appendix A VERIFICATION OF ORGAN TRANSPLANTATION DIAGNOSIS AND LEGAL  
DOMICILE VERIFICATION OF ORGAN TRANSPLANTATION DIAGNOSIS AND LEGAL  
COMMITTEE  
Appendix B ADDENDUM I - PATIENT/GRAFT SURVIVAL RATES  
Appendix C ADDENDUM II - FACILITY EXPERIENCE  
Appendix D EXPERIMENTAL ORGAN TRANSPLANTATION PROGRAM PSYCHOSOCIAL ASSESSMENT  
FORM

AUTHORITY: Implementing and authorized by the Experimental Organ  
Transplantation Procedures Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6601  
et seq.)

SOURCE: Emergency rules adopted at 9 Ill. Reg. 11129, effective June 30,

EXPERIMENTAL ORGAN TRANSPLANTATION PROCEDURES BOARD

NOTICE OF PROPOSED AMENDMENTS

1985, for a maximum of 150 days; codification changes at 9 Ill. Reg. 17902  
adopted at 9 Ill. Reg. 18929, effective November 27, 1985; amended at 11 Ill.  
Reg. 9118, effective April 30, 1987; amended at 12 Ill. Reg. 15550, effective  
September 16, 1988; amended at 13 Ill. Reg. \_\_\_\_\_,  
effective \_\_\_\_\_.

NOTE: Capitalization denotes statutory language.

Section 2800.102 Approved Transplantation Procedures

The following transplantation procedures are ~~considered experimental~~ and  
are eligible for funding under the Experimental Organ Transplantation  
Program:

- a) Heart,
- b) Heart/Lung,
- cd) Single Lung (for procedures performed after April 30, 1987),
- d) Double Lung (for procedures performed after [effective date] 1989),
- ee) Liver; ~~both~~ Adult and for children's procedures  
performed after September 16, 1988
- fe) Pancreas, and
- gf) Pancreas/Kidney (only the pancreas portion is considered  
experimental and eligible for funding).

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Underground Storage Tanks
- 2) Code Citation: 35 Ill. Adm. Code 731
- 3) Section Numbers:
- |              |  |
|--------------|--|
| Repeals      | 731.101, 731.102, 731.103<br>731.190, 731.191, 731.192, 731.193, 731.194,<br>731.195, 731.196, 731.197, 731.198, 731.199,<br>731.202, 731.203, 731.204, 731.205, 731.206,<br>731.207, 731.208, 731.209, 731.210, 731.211<br>731.900, 731.901 |
| New Sections |  |
| Repeals      |  |
- 4) Statutory Authority: 111. Rev. Stat. 1987, ch. 111 1/2, pars. 1022.4 and 1027.
- 5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of April 6, 1989 in R89-4, which Opinion is available from the address below. Section 22.4(e) of the Environmental Protection Act (111. Rev. Stat. 1987, ch. 111 1/2, par. 1022.4(e)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This proposal adds to the Underground Storage Tank (UST) rules proposed by the Board at 13 Ill. Reg. 2650, March 3, 1989. This proposal adds financial assurance corresponding to rules adopted by USEPA at 53 Fed. Reg. 43370, October 26, 1988.

The UST rules govern underground storage tanks which contain hazardous substances or petroleum products. These rules mainly concern gasoline storage tanks. Hazardous waste storage tanks are regulated pursuant to 35 Ill. Adm. Code 724.290 and 725.290, et seq., which are not involved in this proposal.

11. Rev. Stat. 1987, ch. 127 1/2, par. 154(b) requires the Office of the Illinois State Fire Marshal to also adopt rules which are identical in substance with these same USEPA rules. Section 22.4(e) of the Environmental Protection Act allows the Board to adopt regulations which are identical in substance to any additional regulations adopted by the Fire Marshal. No such additional regulations are contained in this proposal at the present time.

The proposal requires owners or operators to obtain financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

operation of a petroleum UST. The amount of the required assurance is up to \$1 million per occurrence, with a \$2 million annual aggregate. Financial assurance is required by various dates ranging from immediately through October, 26, 1990. The requirement can be met through one or more of the following mechanisms: Self-insurance, guarantee, insurance, bond, letter of credit or trust fund.

- 6) Will this proposed rule replace an emergency rule currently in effect?  
No.
- 7) Does this rulemaking contain an automatic repeal date?: No.
- 8) Does this proposed amendment contain incorporations by reference?  
Yes. Several Sections incorporate rules and regulations of agencies of the United States.
- 9) Are there any other amendments pending on this Part? Yes. In R88-27.

Section Numbers	Proposed Action	Illinois Register Citation
731.101, 731.102, 731.103 731.110, 731.111, 731.112, 731.113, 731.114, 731.120, 731.121, 731.122, 731.130, 731.131, 731.132, 731.133, 731.134, 731.140, 731.141, 731.142, 731.143, 731.144, 731.145, 731.150, 731.151, 731.152, 731.153, 731.160, 731.161, 731.162, 731.163, 731.164, 731.165, 731.166, 731.167, 731.170, 731.171, 731.172, 731.173, 731.174 731.900, 731.901	Repeals	March 3, 1989; 13 Ill. Reg. 2650
	New Sections Repeals	March 3, 1989; 13 Ill. Reg. 2650 March 3, 1989; 13 Ill. Reg. 2650

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(e) of the Environmental Protection Act. It will impact units of local government which own or operate underground storage tanks which contain petroleum products. The rules are intended to insure that owners or operators of USTs have adequate financial resources for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of a petroleum UST.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R89-4 and be addressed to:

Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

## 12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: April 12, 1989

B) Types of small businesses affected:

The proposed amendments affect small businesses which own or operate underground storage tanks which contain petroleum products. The rules will mainly affect small businesses with gasoline storage tanks.

C) Reporting, bookkeeping or other procedures required for compliance:

The proposed amendments require extensive reporting, bookkeeping and other procedures, including the maintenance of financial assurance.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, registered professional engineers with training in corrosion protection and hydrogeology and a certified public accountant.

The full text of the Proposed Amendments begins on the next page.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER d: UNDERGROUND INJECTION CONTROL  
AND UNDERGROUND STORAGE TANK PROGRAMS

PART 731  
UNDERGROUND STORAGE TANKS

Section  
731.101  
731.102  
731.103

Definitions and exemptions (Repealed)  
Interim prohibitions (Repealed)  
Notification Requirements (Repealed)

## SUBPART H: FINANCIAL RESPONSIBILITY

Section  
731.190  
731.191  
731.192  
731.193  
731.194  
731.195  
731.196  
731.197  
731.198  
731.199  
731.200  
731.201  
731.202  
731.203  
731.204  
731.205  
731.206  
731.207  
731.208  
731.209  
731.210  
731.211  
731.900  
731.901  
Appendix A

Applicability  
Compliance Dates  
Definitions  
Amount and Scope of Required Financial Responsibility  
Allowable Mechanisms and Combinations  
Financial Test of Self-insurance  
Guarantee  
Insurance or Risk Retention Group Coverage  
Surety Bond  
Letter of Credit  
Trust Fund  
Standby Trust Fund  
Substitution of Mechanisms  
Cancellation or Nonrenewal by Provider  
Reporting  
Recordkeeping  
Drawing on Financial Assurance  
Release from Financial Assurance Requirement  
Bankruptcy or other Incapacity  
Replenishment  
Incorporation by reference (Repealed)  
Compliance Date (Repealed)  
Notification Form

AUTHORITY: Implementing Section 22.4(e) and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1022.4(e) and 1027).

SOURCE: Adopted in R86-1 at 10 Ill. Reg. 14175, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6220, effective March 24, 1987; amended in R88-27 at 13 Ill. Reg. , effective ; amended in R89-4 at 13 Ill. Reg. , effective



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## Section 731.101 Definitions and exemptions Repealed

- a) "Operator" means any person in control of, or having responsibility for, the daily operation of an underground storage tank.
- b) "Owner" means:
  - 1) In the case of an underground storage tank in use on November 8, 1984, or brought into use after that date, any person who owns an underground storage tank used for storage, use or dispensing of regulated substances; and
  - 2) In the case of any underground storage tank in use before November 8, 1984, but no longer in use on that date, any person who owned such tank immediately before discontinuation of its use.
- e) "Person" has the same meaning as provided in Section 104(15) of the Resource Conservation and Recovery Act, as amended, (42 U.S.C. 6901 et seq.) except that such term includes a consortium, a joint venture, a commercial entity, and the United States Government.
- d) "Regulated substance" means
  - 1) Any substance of defined in Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (but not including any substance regulated as a hazardous waste under Subtitle 6 of the Resource Conservation and Recovery Act, as amended); and
  - 2) Petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).
- e) "Release" means any spilling, leaking, emitting, discharging, escaping, leaching or disposing from an underground storage tank into groundwater, surface water or subsurface soils.
- f) "Underground storage tank" means any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of regulated substances, and the volume of which (including the volume of the underground pipes connected thereto) is ten per centum or more beneath the surface of the ground. Such term does not include any:
  - 1) Farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;
  - 2) Tank used for storing heating oil for consumptive use on the

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## premises when stored,

- 3) Septic tank;
  - 4) Pipeline facility (including gathering lines);
  - 5) Regulated under the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671 et seq.) or
  - 6) Regulated under the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. 2001 et seq.) or
  - 7) Regulated under the Illinois Gas Pipeline Safety Act, Ill. Rev. Stat. 1985, ch. 111 2/3, pars. 551 et seq.;
  - 8) Surface impoundment, pit pond or lagoon;
  - 9) Storm water or wastewater collection system;
  - 10) Flow-through process tank;
  - 11) Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations; or
  - 12) Storage tank situated in an underground area (such as a basement, cellar, mine, drift, shaft or tunnel) if the storage tank is situated upon or above the surface of the undesignated floor;
  - 13) Any pipes connected to any tank which is described in subsection (d)(1) through (d)(12).
- (Source: Repealed at 13 Ill. Reg. , effective )
- Section 731.102 Interim prohibitions (Repealed)
- a) Between May 7, 1985 and the effective date of the standards promulgated by the Administrator of the United States Environmental Protection Agency under Section 9003(e) of the Hazardous and Solid Waste Amendments of 1984 (42 U.S.C. 6901 et seq.) no person may install an underground storage tank for the purpose of storing regulated substances unless such tank (whether of single or double wall construction):
    - 1) Will prevent releases due to corrosion or structural failure for the operational life of the tank;
    - 2) Is cathodically protected against corrosion, constructed of noncorrosive material, steel clad with a noncorrosive material



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

or designed in a manner to prevent the release or threatened release of any stored substance; and

- 3) The material used in the construction or lining of the tank is compatible with the substance to be stored.

- b) Notwithstanding subsection (a), if soil tests conducted in accordance with ASTM Standard G67-78, incorporated by reference in Section 731.190b, show that soil resistivity in an installation location is 12,000 ohm-cm or more, a storage tank without corrosion protection may be installed in that location during the period referred to in subsection (a).--

(Source: Repealed at 13 Ill. Reg. , effective )

## Section 731.103 Notification Requirements (Repealed)

- a) Each owner of an underground storage tank currently in use shall submit, in the form prescribed in Appendix A, a notice of the existence of such tank to:

Underground Storage Tank Coordinator  
Division of Fire Prevention  
Office of State Fire Marshal  
3150 Executive Park Drive  
Springfield, IL 62703-4599

- b) Each owner of an underground storage tank taken out of operation after January 1, 1974, (unless the owner knows that such tank has been removed from the ground) shall submit, in the form prescribed in Appendix A, a notice of the existence of such tank to the address specified in subsection (a).

- c) Any owner who brings an underground storage tank into use shall, within 30 days after bringing such tank into use, submit, in the form prescribed in Appendix A, a notice of the existence of such tank to the address specified in subsection (a).

- e) Owners required to submit notices under subsections (a) through (c) shall provide notices to the agency specified in subsection (a) for each tank they own. Owners may provide notice for several tanks on one form, but owners who own tanks located at more than one place of operation shall file a separate notification form for each separate place of operation.

- f) Notices submitted under subsections (a) through (c) must provide all of the information indicated on the form in Appendix A for each tank for which notice must be given.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- g) Through June 8, 1987, any person who deposits regulated substances in an underground storage tank shall make reasonable efforts to notify the owner or operator of such tank of the owner's obligations under subsections (a) through (e).

- h) Beginning 30 days after the United States Environmental Protection Agency issues new tank performance standards pursuant to Section 9002(e) of the Resource Conservation and Recovery Act, any person who sells a tank intended to be used as an underground storage tank shall notify the purchaser of such tank of the owner's notification obligations under subsections (a) through (e).

- i) Subsections (a) through (e) do not apply to tanks for which notice was given pursuant to Section 103(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980.--

(Source: Repealed at 13 Ill. Reg. , effective )

## SUBPART H: FINANCIAL RESPONSIBILITY

## Section 731.190 Applicability

- a) This Subpart applies to owners and operators of all petroleum UST systems except as otherwise provided in this Section.

- b) Owners and operators of petroleum UST systems are subject to these requirements if they are in operation on or after the date for compliance established in Section 731.191.

- c) State and federal government entities whose debts and liabilities are the debts and liabilities of the State or the United States are exempt from the requirements of this Subpart.

- d) The requirements of this Subpart do not apply to owners and operators of any UST system described in Section 731.110 (b) or (c).

- e) If the owner and operator of a petroleum underground storage tank are separate persons, only one person is required to demonstrate financial responsibility; however, both parties are liable in event of noncompliance. Regardless of which party complies, the date set for compliance at a particular facility is determined by the characteristics of the owner as set forth in Section 731.191.

(Source: Added at 13 Ill. Reg. , effective )

## Section 731.191 Compliance Dates

Owners of petroleum underground storage tanks are required to comply with the requirements of this Subpart by the following dates:



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- a) All petroleum marketing firms owning 1,000 or more USTs and all other UST owners that report a tangible net worth of \$20 million or more to the U.S. Securities and Exchange Commission (SEC), Dun and Bradstreet, the Energy Information Administration or the Rural Electrification Administration: Immediately.
- b) All petroleum marketing firms owning 100 through 999 USTs: October 26, 1989.
- c) All petroleum marketing firms owning 13 through 99 USTs at more than one facility: April 26, 1990.
- d) All petroleum UST owners not described in subsections (a), (b) or (c), including units of local government: October 26, 1990.

(Source: Added at 13 Ill. Reg. , effective )

## Section 731.192 Definitions

When used in this Subpart, the following terms have the meanings given below:

"Accidental release" means any sudden or nonsudden release of petroleum from an underground storage tank that results in a need for corrective action or compensation for bodily injury or property damage neither expected nor intended by the tank owner or operator.

"Bodily injury" means bodily injury, sickness or disease sustained by a person, including death resulting from any of these at any time. However, this term does not include those liabilities which, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for bodily injury.

BOARD NOTE: Derived from 40 CFR 280.92, as adopted at 53 Fed. Reg. 43370, October 26, 1988, modified to insert the Insurance Services Office definition.

"Controlling interest" means direct ownership of at least 50 percent of the voting stock of another entity.

"Director of the Implementing Agency". See Section 731.114.

"Environmental damage" means the injurious presence in or upon land, the atmosphere or any watercourse or body of water of solid, liquid, gaseous or thermal contaminants, irritants or pollutants.

BOARD NOTE: This term is used in the definition of "pollution incident".

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

"Financial reporting year" means:

The latest consecutive twelve-month period for which any of the following reports used to support a financial test is prepared:

A 10-K report submitted to the Securities Exchange Commission;

An annual report of tangible net worth submitted to Dun and Bradstreet; or

Annual reports submitted to the Energy Information Administration or the Rural Electrification Administration.

"Financial reporting year" may thus comprise a fiscal or a calendar year period.

"Legal defense cost" is any expense that an owner or operator or provider of financial assurance incurs in defending against claims or actions brought,

By USEPA or the State to require corrective action or to recover the costs of corrective action;

By or on behalf of a third party for bodily injury or property damage caused by an accidental release; or

By any person to enforce the terms of a financial assurance mechanism.

"Occurrence" means an accident, including continuous or repeated exposure to conditions, which results in a release from an underground storage tank.

BOARD NOTE: This definition is intended to assist in the understanding of these regulations and is not intended either to limit the meaning of "occurrence" in a way that conflicts with standard insurance usage or to prevent the use of other standard insurance terms in place of "occurrence".

"Owner or operator", when the owner or operator are separate persons, refers to the person that is obtaining or has obtained financial assurance.

"Petroleum marketing facilities" include all facilities at which petroleum is produced or refined and all facilities from which petroleum is sold or transferred to other petroleum marketers or to the public.



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

"Petroleum marketing firms" are all firms owning petroleum marketing facilities. Firms owning other types of facilities with USTs as well as petroleum marketing facilities are considered to be petroleum marketing firms.

"Pollution incident" means emission, discharge, release or escape of pollutants into or upon land, the atmosphere or any watercourse or body of water, provided that such emission, discharge, release or escape results in "environmental damage". The entirety of any such emission, discharge, release or escape shall be deemed to be one "pollution incident". "Pollutants" means any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals and waste. "Waste" includes materials to be recycled, reconditioned or reclaimed. The term "pollution incident" includes an "accidental release" or an "occurrence".

BOARD NOTE: This definition is used in the definition of "property damage".

"Property damage" means

Physical injury to, destruction of or contamination of tangible property, including all resulting loss of use of that property; or

Loss of use of tangible property that is not physically injured, destroyed or contaminated, but has been evacuated, withdrawn from use or rendered inaccessible because of a "pollution incident".

This term does not include those liabilities which, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for property damage. However, such exclusions for property damage do not include corrective action associated with releases from tanks which are covered by the policy.

BOARD NOTE: Derived from 40 CFR 280.92, as adopted at 53 Fed. Reg. 43370, October 26, 1988, modified to insert the Insurance Services Office definition.

"Provider of financial assurance" means an entity that provides financial assurance to an owner or operator of an underground storage tank through one of the mechanisms listed in Section 731.195 through 731.203, including a guarantor, insurer, risk retention group, surety or issuer of a letter of credit.

"Substantial business relationship" means that one business entity has an ownership interest in another.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

"Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets do not include intangibles such as goodwill and rights to patents or royalties. For purposes of this definition, "assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity as a result of past transactions.

"Unit of local government" is as defined in the Illinois Constitution, Art. VII, Section 1.

(Source: Added at 13 Ill. Reg. , effective )

# Section 731.193 Amount and Scope of Required Financial Responsibility

a) Owners or operators of petroleum underground storage tanks shall demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks in at least the following per-occurrence amounts:

1) For owners or operators of petroleum underground storage tanks that are located at petroleum marketing facilities, or that handle an average of more than 10,000 gallons of petroleum per month based on annual throughput for the previous calendar year: \$1 million.

2) For all other owners or operators of petroleum underground storage tanks: \$500,000.

b) Owners or operators of petroleum underground storage tanks shall demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks in at least the following annual aggregate amounts:

1) For owners or operators of 1 to 100 petroleum underground storage tanks: \$1 million; and

2) For owners or operators of 101 or more petroleum underground storage tanks: \$2 million.

c) For the purposes of subsections (b) and (f) only, a "petroleum underground storage tank" means a single containment unit and does not mean combinations of single containment units.

d) Except as provided in subsection (e), if the owner or operator uses



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

separate mechanisms or separate combinations of mechanisms to demonstrate financial responsibility for:

- 1) Taking corrective action;
- 2) Compensating third parties for bodily injury and property damage caused by sudden accidental releases; or
- 3) Compensating third parties for bodily injury and property damage caused by nonsudden accidental releases, the amount of assurance provided by each mechanism or combination of mechanisms must be in the full amount specified in subsection (a) and (b).

e) If an owner or operator uses separate mechanisms or separate combinations of mechanisms to demonstrate financial responsibility for different petroleum underground storage tanks, the annual aggregate required must be based on the number of tanks covered by each such separate mechanism or combination of mechanisms.

f) Owners or operators shall review the amount of aggregate assurance provided whenever additional petroleum underground storage tanks are acquired or installed. If the number of petroleum underground storage tanks for which assurance must be provided exceeds 100, the owner or operator shall demonstrate financial responsibility in the amount of at least \$2 million of annual aggregate assurance by the first-occurring effective date anniversary of any one of the mechanisms combined (other than a financial test or guarantee) to provide assurance.

g) The amounts of assurance required under this Section exclude legal defense costs.

h) The required per-occurrence and annual aggregate coverage amounts do not in any way limit the liability of the owner or operator.

(Source: Added at 13 Ill. Reg. , effective )

## Section 731.194 Allowable Mechanisms and Combinations

a) Subject to the limitations of subsections (b) and (c), an owner or operator may use any one or combination of the mechanisms listed in Sections 731.195 through 731.203 to demonstrate financial responsibility under this Subpart for one or more underground storage tanks.

c) An owner or operator may use self-insurance in combination with guarantee only if, for the purpose of meeting the requirements of the financial test under this Subpart, the financial statements of the owner or operator are not consolidated with the financial statements

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

of the guarantor.

(Source: Added at 13 Ill. Reg. , effective )

## Section 731.195 Financial Test of Self-insurance

a) An owner or operator, or guarantor, may satisfy the requirements of Section 731.193 by passing a financial test as specified in this Section. To pass the financial test of self-insurance, the owner or operator, or guarantor, shall meet the criteria of subsection (b) or (c) based on year-end financial statements for the latest completed fiscal year.

## b) Financial Test

1) The owner or operator, or guarantor, shall have a tangible net worth of at least ten times:

A) The total of the applicable aggregate amount required by Section 731.193, based on the number of underground storage tanks for which a financial test is used to demonstrate financial responsibility for UST systems to USEPA pursuant to 40 CFR 280, to the Fire Marshal pursuant to this Part or to implementing agencies of UST programs in other states authorized by USEPA pursuant to 40 CFR 281;

B) The sum of the corrective action cost estimates, the current closure and post-closure care cost estimates and amount of liability coverage for which a financial test is used to demonstrate financial responsibility for hazardous waste facilities to USEPA pursuant to 40 CFR 264 or 265, to the Agency pursuant to 35 Ill. Adm. Code 724 or 725 or to other state agencies authorized by USEPA to administer hazardous waste programs pursuant to 40 CFR 271.

C) The sum of current plugging and abandonment cost estimates for which a financial test is used to demonstrate financial responsibility for underground injection wells to USEPA pursuant to 40 CFR 144, to the Agency pursuant to 35 Ill. Adm. Code 704, to the Department of Mines and Minerals pursuant to 62 Ill. Adm. Code 240 or to other state agencies authorized to administer underground injection control programs pursuant to 40 CFR 145.

2) The owner or operator, or guarantor, shall have a tangible net worth of at least \$10 million.

3) The owner or operator, or guarantor, shall have a letter signed by the chief financial officer worded as specified in subsection



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

(d).

4) The owner or operator, or guarantor, shall either:

A) File financial statements annually with the U.S. Securities and Exchange Commission, the Energy Information Administration or the Rural Electrification Administration; or

B) Report annually the firm's tangible net worth to Dun and Bradstreet, and Dun and Bradstreet must have assigned the firm a financial strength rating of 4A or 5A.

5) The firm's year-end financial statements, if independently audited, cannot include an adverse auditor's opinion, a disclaimer of opinion or a "going concern" qualification.

c) RCRA Financial Test

1) The owner or operator, or guarantor shall meet the financial test requirements of 35 Ill. Adm. Code 724.247(f)(1) substituting the appropriate amounts specified in Section 731.193(b)(1) and (b)(2) for the "amount of liability coverage" each time specified in the Section.

2) The fiscal year-end financial statements of the owner or operator, or guarantor, must be examined by an independent certified public accountant and be accompanied by the accountant's report of the examination.

3) The firm's year-end financial statements cannot include an adverse auditor's opinion, a disclaimer of opinion, or a "going concern" qualification.

4) The owner or operator, or guarantor, shall have a letter signed by the chief financial officer, worded as specified in subsection (d).

5) If the financial statements of the owner or operator, or guarantor, are not submitted annually to the U.S. Securities and Exchange Commission, the Energy Information Administration or the Rural Electrification Administration, the owner or operator, or guarantor, shall obtain a special report by an independent certified public accountant stating that:

A) The accountant has compared the data that the letter from the chief financial officer specifies as having been derived from the latest year-end financial statements of the owner or operator, or guarantor, with the amounts in

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

such financial statements; and

B) In connection with that comparison, no matters came to the accountant's attention which caused him to believe that the specified data should be adjusted.

d) The Board incorporates by reference 40 CFR 280.95(d) as adopted at 53 Fed. Reg. 43370, October 26, 1988. This Section incorporates no future editions or amendments. To demonstrate that it meets the financial test under subsection (b) or (c), the chief financial officer of the owner or operator, or guarantor, shall sign, within 120 days of the close of each financial reporting year, as defined by the twelve-month period for which financial statements used to support the financial test are prepared, a letter worded exactly as provided by 40 CFR 280.95(d), except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted.

e) If an owner or operator using the test to provide financial assurance finds that the owner or operator no longer meets the requirements of the financial test based on the year-end financial statements, the owner or operator shall obtain alternate coverage within 150 days of the end of the year for which financial statements have been prepared.

f) The Fire Marshal may require reports of financial condition at any time from the owner or operator, or guarantor. If the Fire Marshal finds, on the basis of such reports or other information, that the owner or operator, or guarantor, no longer meets the financial test requirements of subsection (b) or (c) and (d), the owner or operator shall obtain alternate coverage within 30 days after notification of such a finding.

g) If the owner or operator fails to obtain alternate assurance within 150 days of finding that the owner or operator no longer meets the requirements of the financial test based on the year-end financial statements, or within 30 days of notification by the Fire Marshal that the owner or operator no longer meets the requirements of the financial test, the owner or operator shall notify the Fire Marshal of such failure within 10 days.

(Source: Added at 13 Ill. Reg. , effective )

Section 731.196 Guarantee

a) An owner or operator may satisfy the requirements of Section 731.193 by obtaining a guarantee that conforms to the requirements of this Section. The guarantor shall have an ownership interest in the owner or operator.



## POLLUTION CONTROL BOARD

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

- b) Within 120 days after the close of each financial reporting year the guarantor shall demonstrate that it meets the financial test criteria of Section 731.195 based on year-end financial statements for the latest completed financial reporting year by completing the letter from the chief financial officer described in Section 731.195(d) and shall deliver the letter to the owner or operator. If the guarantor fails to meet the requirements of the financial test at the end of any financial reporting year, within 120 days of the end of that financial reporting year the guarantor shall send by certified mail, before cancellation or nonrenewal of the guarantee, notice to the owner or operator. If the Fire Marshal notifies the guarantor that the guarantor no longer meets the requirements of the financial test of Section 731.195(b) or (c) and (d), the guarantor shall notify the owner or operator within 10 days of receiving such notification from the Fire Marshal. In both cases, the guarantee will terminate no less than 120 days after the date the owner or operator receives the notification, as evidenced by the return receipt. The owner or operator shall obtain alternative coverage as specified in Section 731.210(c).
- c) The Board incorporates by reference 40 CFR 280.96(c) as adopted at 53 Fed. Reg. 43370, October 26, 1988. This Section incorporates no future editions or amendments. The guarantee must be worded as provided in 40 CFR 280.96(c), except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.
- d) An owner or operator who uses a guarantee to satisfy the requirements of Section 731.193 shall establish a standby trust fund when the guarantee is obtained. Under the terms of the guarantee, all amounts paid by the guarantor under the guarantee will be deposited directly into the standby trust fund in accordance with instruction from the Fire Marshal under Section 731.208. This standby trust fund must meet the requirements specified in Section 731.203.
- e) Additional requirements for guarantors.
- 1) The guarantor shall have a registered agent pursuant to Section 5.05 of the Business Corporation Act of 1983 (111. Rev. Stat. 1987, ch. 32, par. 5.05 or Section 105.05 of the General Not-for-profit Corporation Act of 1986 (111. Rev. Stat. 1987, ch. 32, par. 105.05).
  - 2) The guarantor shall execute the guarantee in Illinois. The guarantee shall be accompanied by a letter signed by the guarantor which states that:
    - A) The guarantee was signed in Illinois by an authorized agent

of the guarantor;

B) The guarantee is governed by Illinois law; and,

C) The name and address of the guarantor's registered agent for service of process.

(Source: Added at 13 Ill. Reg. , effective )

Section 731.197 Insurance or Risk Retention Group Coverage

a) An owner or operator may satisfy the requirements of Section 731.193 by obtaining liability insurance that conforms to the requirements of this Section from a qualified insurer or risk retention group. Such insurance must be in the form of a separate insurance policy or an endorsement to an existing insurance policy.

b) The Board incorporates by reference 40 CFR 280.97(b) as adopted at 53 Fed. Reg. 43370, October 26, 1988. This Section incorporates no future editions or amendments. Each insurance policy must be amended by an endorsement worded as specified in 40 CFR 280.97(b)(1), or evidenced by a certificate of insurance worded as specified in 40 CFR 280.97(b)(2), except that instructions in brackets must be replaced with the relevant information and the brackets deleted.

c) Each insurance policy must be issued by an insurer or a risk retention group which is licensed by the Illinois Department of Insurance.

(Source: Added at 13 Ill. Reg. , effective )

Section 731.198 Surety Bond

a) An owner or operator may satisfy the requirements of Section 731.193 by obtaining a surety bond that conforms to the requirements of this Section. The surety company issuing the bond shall be licensed by the Illinois Department of Insurance.

b) The Board incorporates by reference 40 CFR 280.98(b), as adopted at 53 Fed. Reg. 43370, October 26, 1988. This Section incorporates no future editions or amendments. The surety bond must be worded as provided in 40 CFR 280.98(b), except that instructions in brackets must be replaced with the relevant information and the brackets deleted.

c) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond. In all cases, the surety's liability is limited to the per-occurrence and annual aggregate penal sums.



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- d) The owner or operator who uses a surety bond to satisfy the requirements of Section 731.193 must establish a standby trust fund when the surety bond is acquired. Under the terms of the bond, all amounts paid by the surety under the bond will be deposited directly into the standby trust fund in accordance with instructions from the Fire Marshal under Section 731.208. This standby trust fund must meet the requirements specified in Section 731.203.

(Source: Added at 13 Ill. Reg. , effective )

## Section 731.199 Letter of Credit

- a) An owner or operator may satisfy the requirements of Section 731.193 by obtaining an irrevocable standby letter of credit that conforms to the requirements of this Section. The issuing institution shall be an entity with authority to issue letters of credit and whose letter of credit operations are regulated by the Illinois Commissioner of Banks and Trust Companies.

- b) The Board incorporates by reference 40 CFR 280.99(b) as adopted at 53 Fed. Reg. 43370, October 26, 1988. This Section incorporates no future editions or amendments. The letter of credit must be worded as provided in 40 CFR 280.99(b), except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

- c) An owner or operator who uses a letter of credit to satisfy the requirements of Section 731.193 shall also establish a standby trust fund when the letter of credit is acquired. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Fire Marshal shall be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the Fire Marshal under Section 731.208. This standby trust fund must meet the requirements specified in Section 731.203.

- d) The letter of credit must be irrevocable with a term specified by the issuing institution. The letter of credit must provide that credit be automatically renewed for the same term as the original term, unless, at least 120 days before the current expiration date, the issuing institution notifies the owner or operator by certified mail of its decision not to renew the letter of credit. Under the terms of the letter of credit, the 120 days will begin on the date when the owner or operator receives the notice, as evidenced by the return receipt.

(Source: Added at 13 Ill. Reg. , effective )

## Section 731.202 Trust Fund

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- a) An owner or operator may satisfy the requirements of Section 731.193 by establishing a trust fund that conforms to the requirements of this Section. The trustee shall be an entity which has authority to act as trustee and whose trust operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies, or who complies with the Foreign Corporations as Fiduciaries Act. (11. Rev. Stat. 1987, ch. 17, par 2801 et seq.)

- b) The wording of the trust agreement must be identical to the wording specified in Section 731.203(b)(1), and must be accompanied by a formal certification of acknowledgement as specified in Section 731.203(b)(2). In addition, the owner or operator and trustee shall agree that Illinois law governs the trust.

- c) The trust fund, when established, must be funded for the full required amount of coverage, or funded for part of the required amount of coverage and used in combination with other mechanisms that provide the remaining required coverage.

- d) If the value of the trust fund is greater than the required amount of coverage, the owner or operator may submit a written request to the Fire Marshal for release of the excess.

- e) If other financial assurance as specified in this Subpart is substituted for all or part of the trust fund, the owner or operator may submit a written request to the Fire Marshal for release of the excess.

- f) Within 60 days after receiving a request from the owner or operator for release of funds as specified in subsection (d) or (e), the Fire Marshal shall instruct the trustee to release to the owner or operator such funds as the Fire Marshal specifies in writing.

(Source: Added at 13 Ill. Reg. , effective )

## Section 731.203 Standby Trust Fund

- a) An owner or operator using any one of the mechanisms authorized by Sections 731.196, 731.198 or 731.199 shall establish a standby trust fund when the mechanism is acquired. The trustee of the standby trust fund shall be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies, or who complies with the Foreign Corporations as Fiduciaries Act. (11. Rev. Stat. 1987, ch. 17, par 2801 et seq.)

- b) The Board incorporates by reference 40 CFR 280.103(b) as adopted at 53 Fed. Reg. 43370, October 26, 1988. This Section incorporates no



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

future editions or amendments. The standby trust agreement must be worded as provided in 40 CFR 280.103(b), except that instructions in brackets are to be replaced with the relevant information and the brackets deleted. In addition, the owner or operator and trustee shall agree that Illinois law governs the trust.

- c) The Fire Marshal shall instruct the trustee to refund the balance of the standby trust fund to the provider of financial assurance if the Fire Marshal determines that no additional corrective action costs or third-party liability claims will occur as a result of a release covered by the financial assurance mechanism for which the standby trust fund was established.

- d) An owner or operator may establish one trust fund as the depository mechanism for all funds assured in compliance with this Subpart.

(Source: Added at 13 Ill. Reg. , effective )

## Section 731.204 Substitution of Mechanisms

- a) An owner or operator may substitute any alternate financial assurance mechanisms as specified in this Subpart, provided that at all times the owner or operator maintains an effective financial assurance mechanism or combination of mechanisms that satisfies the requirements of Section 731.193.

- b) After obtaining alternate financial assurance as specified in this Subpart, an owner or operator may cancel a financial assurance mechanism by providing notice to the provider of financial assurance.

(Source: Added at 13 Ill. Reg. , effective )

## Section 731.205 Cancellation or Nonrenewal by Provider

- a) Except as otherwise provided, a provider of financial assurance may cancel or fail to renew an assurance mechanism by sending a notice of termination by certified mail to the owner or operator.

- 1) Termination of a guarantee, a surety bond or a letter of credit must not occur until 120 days after the date on which the owner or operator receives the notice of termination as evidenced by the return receipt; or

- 2) Termination of insurance or risk retention group coverage must not occur until 60 days after the date on which the owner or operator receives the notice of termination, as evidenced by the return receipt.

- b) If a provider of financial responsibility cancels or fails to renew

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

for reasons other than incapacity of the provider as specified in Section 731.206, the owner or operator shall obtain alternate coverage as specified in this Section within 60 days after receipt of the notice of termination. If the owner or operator fails to obtain alternate coverage within 60 days after receipt of the notice of termination, the owner or operator shall notify the Fire Marshal of such failure and submit:

- 1) The name and address of the provider of financial assurance;
- 2) The effective date of termination; and
- 3) The evidence of the financial assistance mechanism subject to the termination maintained in accordance with Section 731.207(b).

(Source: Added at 13 Ill. Reg. , effective )

## Section 731.206 Reporting

- a) An owner or operator shall submit the appropriate forms listed in Section 731.207(b) documenting current evidence of financial responsibility to the Fire Marshal:

- 1) Within 30 days after the owner or operator identifies a release from an underground storage tank required to be reported under Section 731.153 or 731.161;
- 2) If the owner or operator fails to obtain alternate coverage as required by this Subpart, within 30 days after the owner or operator receives notice of:

- A) Commencement of a voluntary or involuntary bankruptcy proceeding under 11 U.S.C., naming a provider of financial assurance as a debtor,
  - B) Suspension or revocation of the authority of a provider of financial assurance to issue a financial assurance mechanism,
  - C) Failure of a guarantor to meet the requirements of the financial test,
  - D) Other incapacity of a provider of financial assurance; or
- 3) As required by Section 731.195(g) and 731.205(b).

- b) An owner or operator shall certify compliance with the financial responsibility requirements of this Part as specified in the new tank



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

notification form when notifying the Fire Marshal of the installation of a new underground storage tank under Section 731.122.

- c) The Fire Marshal may require an owner or operator to submit evidence of financial assurance as described in Section 731.207(b) or other information relevant to compliance with this Subpart at any time.

(Source: Added at 13 Ill. Reg. , effective )

## Section 731.207 Recordkeeping

- a) Owners or operators shall maintain evidence of all financial assurance mechanisms used to demonstrate financial responsibility under this Subpart for an underground storage tank until release from the requirements of this Subpart under Section 731.209. An owner or operator shall maintain such evidence at the underground storage tank site or the owner's or operator's place of business. Records maintained off-site must be made available upon request of the Fire Marshal.

- b) An owner or operator shall maintain the following types of evidence of financial responsibility:

- 1) An owner or operator using an assurance mechanism specified in Section 731.195 through 731.200 or 731.202 shall maintain a copy of the instrument worded as specified.
- 2) An owner or operator using a financial test or guarantee shall maintain a copy of the chief financial officer's letter based on year-end financial statements for the most recent completed financial reporting year. Such evidence must be on file no later than 120 days after the close of the financial reporting year.
- 3) An owner or operator using a guarantee, surety bond or letter of credit shall maintain a copy of the signed standby trust fund agreement and copies of any amendments to the agreement.
- 4) An owner or operator using an insurance policy or risk retention group coverage shall maintain a copy of the signed insurance policy or risk retention group coverage policy, with the endorsement or certificate of insurance and any amendments to the agreements.
- 6) The Board incorporates by reference 40 CFR 280.107(b)(6) as adopted at 53 Fed. Reg. 43370, October 26, 1988. This Section incorporates no future editions or amendments. An owner or operator using an assurance mechanism specified in Section 731.195 through 731.202 shall maintain an updated copy of a

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

certification of financial responsibility worded as provided in 40 CFR 280.107(b)(6), except that instructions in brackets are to be replaced with the relevant information and the brackets deleted. The owner or operator shall update this certification whenever a financial assurance mechanism used to demonstrate financial responsibility changes.

(Source: Added at 13 Ill. Reg. , effective )

## Section 731.208 Drawing on Financial Assurance

- a) The Fire Marshal shall require the guarantor, surety or institution issuing a letter of credit to place the amount of funds stipulated by the Fire Marshal up to the limit of funds provided by the financial assurance mechanism, into the standby trust if:

- 1) Both:

- A) The owner or operator fails to establish alternate financial assurance within 60 days after receiving notice of cancellation of the guarantee, surety bond, letter of credit or as applicable, other financial assurance mechanism; and

- B) The Fire Marshal determines or suspects that a release from an underground storage tank covered by the mechanism has occurred and so notifies the owner or operator or the owner or operator has notified ESDA pursuant to Subpart E or F of a release from an underground storage tank covered by the mechanism; or

- 2) The conditions of subsections (b)(1) or (b)(2)(A) or (B) are satisfied.

- b) The Fire Marshal shall draw on a standby trust fund when:

- 1) The Fire Marshal makes a final determination that a release has occurred and immediate or long-term corrective action for the release is needed, and the owner or operator, after appropriate notice and opportunity to comply, has not conducted corrective action as required under Subpart F; or

- 2) The Fire Marshal has received either:

- A) Certification from the owner or operator and third-party liability claimant and from attorneys representing the owner or operator and the third-party liability claimant that a third-party liability claim should be paid. The Board incorporates by reference 40-CFR 280.108(b)(2)(i) as



Section 731.209 Release from Financial Assurance Requirement

An owner or operator is no longer required to maintain financial responsibility under this Subpart for an underground storage tank after the tank has been properly closed or, if corrective action is required, after corrective action has been completed and the tank has been properly closed as required by Subpart G.

(Source: Added at 13 Ill. Reg. , effective )

Section 731.210 Bankruptcy or other Incapacity

a) Within 10 days after commencement of a voluntary or involuntary proceeding under 11 U.S.C. (Bankruptcy), naming an owner or operator as debtor, the owner or operator shall notify the Fire Marshal by certified mail of such commencement and submit the appropriate forms listed in Section 731.207(b) documenting current financial responsibility.

b) Within 10 days after commencement of a voluntary or involuntary proceeding under 11 U.S.C. (Bankruptcy), naming a guarantor providing

Section 731.211 Replenishment

a) If at any time after a standby trust is funded upon the instruction of the Fire Marshal with funds drawn from a guarantor, letter of credit or surety bond, and the amount in the standby trust is reduced below the full amount of coverage required, the owner or operator shall by the anniversary date of the financial mechanism from which the funds were drawn:

1) Replenish the value of financial assurance to equal the full amount of coverage required, or

2) Acquire another financial assurance mechanism for the amount by which funds in the standby trust have been reduced.

b) For purposes of this Section, the full amount of coverage to be provided by Section 731.193. If a combination of mechanisms was used to provide the assurance funds which were drawn upon, replenishment must occur by the earliest anniversary date among the mechanisms.

(Source: Added at 13 Ill. Reg. , effective )

Section 731.900 Incorporation by reference (Repealed)

a) The Board incorporates the following material by reference: "Field Method of Soil Resistivity Using the Wenner Four-Electrode Method," ASTM G57-78 (Reapproved 1984), available from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, 215/299-5400.



POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

(b) This information includes no future revisions of editions--

(Source: Repealed at 13 Ill. Reg. , effective )

Section 731.901 Compliance Date (Repealed)

- Compliance with this Part shall be required after the day on which the United States Environmental Protection Agency authorizes the State of Illinois to administer the underground storage tank program pursuant to the Resource Conservation and Recovery Act--

(Source: Repealed at 13 Ill. Reg. , effective )

4) Statutory Authority:

AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof" (11. Rev. Stat. 1987, ch. 56 1/2, pars. 67 et seq.)

The Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1987, ch. 56 1/2, pars. 501 et seq.)



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

5) A Complete Description of the Subjects and Issues Involved:

The Department proposes an update of the rules for Foodservice Sanitation. These rules will create a new definition and clarify requirements for the Foodservice Sanitation Manager Certification program; specifically, the conditions for instructor approval and disapproval; course content, length of education, approval and disapproval; notification examination date and class enrollment; examination criteria, grading and monitoring; reciprocity agreements with other regulatory bodies and industry; certificates, and renewal of certificates.

The Department proposes that the written inspection report, informing the operator of a foodservice facility of the inspector's findings, be fairly uniform across the state and that the operator have a clear understanding of the Department's authority to inspect the facility.

The cost of the Foodservice Sanitation Manager Certification course, i.e. instructor, room and materials are offset by the charge to the student, which ranges from \$30 to \$120. Most facilities offering the course do so at a profit.

It is anticipated that this rule will be adopted by August 1, 1989.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No.7) Does this Rulemaking Contain an Automatic Repeal Date? No.8) Does this Rulemaking Contain Any Incorporations By Reference? No.9) Are there any other Proposed Amendments Pending on this Part? No.10) Statement of Statewide Policy Objectives:

Units of local government and educational institutions currently follow various procedures which have evolved with the Foodservice Sanitation Manager Certification program since 1974. Thus, while this proposal does not impose any additional requirements on such agencies, it does codify the requirements and operation of the Foodservice Sanitation manager Certification program and the inspection procedures at food service facilities.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

These rules may have additional impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

April 24, 1989

B) Type of Small Businesses Affected:

Foodservice operations, foodservice operators, instructors, community colleges, universities and other education facilities.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

Retention of certificate within the foodservice facility, notification to this Department of name and/or address changes, five year renewal of the certificate.

D) Types of Professional Skills Necessary for Compliance:

Foodservice managers will need to demonstrate knowledge of the causes of foodborne illness, food safety and handling practices and sanitary practices in the foodservice facility.

The full text of the Proposed Amendments begins on the next page:



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 750  
FOOD SERVICE SANITATION CODE

## SUBPART A: GENERAL PROVISIONS

SECTION	
750.5	Incorporated Materials
750.10	Definitions
750.20	Inspections and Inspection Report

## SUBPART B: FOOD SUPPLIES

SECTION	
750.100	General
750.110	Special Requirements
750.120	General - Food Protection
750.130	General - Food Storage
750.140	Refrigerated Storage
750.150	Hot Storage
750.155	Damaged Food Containers
750.160	General - Food Preparation
750.170	Raw Fruits and Raw Vegetables
750.180	Cooking Potentially Hazardous Foods
750.190	Dry Milk and Dry Milk Products
750.200	Liquid, Frozen, Dry Eggs and Egg Products
750.210	Reheating
750.220	Nondairy Products
750.230	Product Thermometers
750.240	Thawing Potentially Hazardous Foods
750.250	Food Display and Service of Potentially Hazardous Food
750.260	Display Equipment
750.270	Reuse of Tableware
750.280	Dispensing Utensils
750.290	Ice Dispensing
750.300	Condiment Dispensing
750.310	Milk and Cream Dispensing
750.320	Re-Service
750.330	General - Food Transportation

## SUBPART C: PERSONNEL

SECTION	
750.500	General - Employee Health

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

750.510	General - Personal Cleanliness
750.520	General - Clothing
750.530	General - Employee Practices
750.540	Management Sanitation Training and Certification
750.550	Management Sanitation Certification Examination (Repealed)
750.560	Certificate Revocation or Suspension

## SUBPART D: EQUIPMENT AND UTENSILS

SECTION	
750.600	General - Materials
750.610	Solder
750.620	Wood
750.630	Plastics
750.640	Mollusk and Crustacea Shells
750.650	General - Design and Fabrication
750.660	Accessibility
750.670	In-Place Cleaning
750.680	Thermometers
750.690	Non-Food-Contact Surfaces
750.700	Ventilation Hoods
750.710	General - Equipment Installation and Location
750.720	Table-Mounted Equipment
750.730	Portable Equipment
750.740	Floor-Mounted Equipment
750.750	Aisles and Working Spaces

## SUBPART E: CLEANING, SANITIZING, AND STORAGE OF EQUIPMENT AND UTENSILS

SECTION	
750.800	Cleaning Frequency
750.810	Wiping Cloths
750.820	Manual Cleaning and Sanitizing
750.830	Mechanical Cleaning and Sanitizing
750.840	Drying
750.850	Equipment, Utensil, and Tableware Handling
750.860	Equipment, Utensil, and Tableware Storage
750.870	Pre-Set Tableware
750.880	Single-Service Articles
750.890	Prohibited Storage Area

## SUBPART F: SANITARY FACILITIES AND CONTROLS

SECTION	
750.1000	General - Water Supply
750.1010	Transportation
750.1020	Bottled Water



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

750.1030 Water Under Pressure  
750.1040 Steam  
750.1050 General - Sewage Disposal  
750.1060 General - Plumbing  
750.1070 Nonpotable System  
750.1080 Backflow  
750.1090 Grease Traps  
750.1100 Drains  
750.1110 General - Toilet Facilities  
750.1120 General - Lavatory Facilities  
750.1130 Containers - Garbage and Refuse  
750.1140 Garbage and Refuse Storage  
750.1150 Disposal of Garbage and Rubbish  
750.1160 General - Insect and Rodent Control  
750.1170 Protection of Openings Against Entrance of Insects and Rodents

SUBPART G: CONSTRUCTION AND MAINTENANCE OF  
PHYSICAL FACILITIES

SECTION  
750.1200 General - Floors  
750.1210 General - Walls and Ceilings  
750.1220 General - Cleaning Physical Facilities  
750.1230 General - Lighting  
750.1240 Protective Light Shielding  
750.1250 General - Ventilation  
750.1260 Special Ventilation  
750.1270 Dressing Areas  
750.1280 Lockers  
750.1290 Poisonous or Toxic Materials Permitted  
750.1300 Labeling of Poisonous or Toxic Materials  
750.1310 Storage of Poisonous or Toxic Materials  
750.1320 Use of Poisonous or Toxic Materials  
750.1330 Personal Medications  
750.1340 First-Aid Supplies  
750.1350 General - Premises  
750.1360 Living Areas  
750.1370 Laundry Facilities  
750.1380 Linens and Clothes Storage  
750.1390 Cleaning Equipment Storage  
750.1400 Animals

SUBPART H: MOBILE FOOD SERVICE

SECTION  
750.1500 General - Mobile Food Units  
750.1510 Restricted Operation  
750.1520 Single-Service Articles

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

750.1530 Water Systems  
750.1540 Waste Retention  
750.1550 Base of Operations  
750.1560 Servicing Area  
750.1570 Servicing Operations  
  
SUBPART I: TEMPORARY FOOD SERVICE  
  
750.1600 General - Temporary Food Service Establishments  
750.1610 Restricted Operations  
750.1620 Ice  
750.1630 Equipment  
750.1640 Water  
750.1650 Wet Storage  
750.1660 Waste Disposal  
750.1670 Handwashing  
750.1680 Floors  
750.1690 Walls and Ceilings of Food Preparation Areas  
750.1700 Single-Service Articles

SUBPART J: FOODSERVICE SANITATION MANAGER CERTIFICATION

750.1800 General  
750.1810 Instructor Approval  
750.1815 Instructor Denial  
750.1820 Course Content  
750.1830 Course Approval  
750.1835 Make Up Work  
750.1836 Home Study  
750.1837 Course Waiver  
750.1838 Course Denial  
750.1840 Reciprocity  
750.1850 Certification Examination  
750.1860 Examination Notification  
750.1861 Class Enrollment Form  
750.1862 Administration of Examination  
750.1865 Monitors  
750.1868 Cheating  
750.1870 Retest Class  
750.1876 Dictionary  
750.1880 Retake Examination  
750.1890 Certificates  
750.1895 Change of Address

Appendix A Retail Food Sanitary Inspection Report  
Appendix B Examination Date Notification Form  
Appendix C Class Enrollment Form



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

## Appendix D. Permission to Retake Certification Examination Form

**AUTHORITY:** Implementing the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1987, ch. 56 1/2, pars. 501 et. seq.) and "AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof" (Ill. Rev. Stat. 1987, ch. 56 1/2, pars. 67 et. seq.) and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 521) and Section 11.1 of "AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof" (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 77.1)

**SOURCE:** Adopted December 23, 1975; amended at 2 Ill. Reg. 19, P. 180, effective May 3, 1978; old rules repealed and new rules adopted and codified at 7 Ill. Reg. 1336, effective January 25, 1983; amended at 11 Ill. Reg. 2345, effective February 1, 1987; amended at 11 Ill. Reg. 18735, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 14380, effective September 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17918, effective December 1, 1988; amended at 13 Ill. Reg. 1819, effective January 30, 1989; amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

## Section 750.10 Definitions

The following definitions shall apply in the interpretation and the enforcement of this Part:

"Certified food service manager or supervisor" means a person certified in compliance with Section 750.540.

"Commercially prepared sweet baked goods" means an individually portioned and wrapped, non-potentially hazardous yeast or cake type bread, bun, croissant or roll with or without filling and/or icing.

"Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored.

"Corrosion-resistant materials" means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions-of-use environment.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

"Easily cleanable" means that surfaces are readily accessible and made of such material and finish and so fabricated that residue may be effectively removed by normal cleaning methods.

"Employee" means individuals having supervisory or management duties, and any other person working in a food service establishment.

"Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items other than utensils, used in the operation of a food service establishment.

"Extensively remodeled" means whenever an existing structure is converted for use as a retail food establishment; any structural additions or alterations to existing establishments; changes, modifications and extensions of plumbing systems, excluding routine maintenance.

"Food" means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

"Food contact surface" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.

"Food processing establishment" means a commercial establishment in which food is manufactured or packaged for human consumption. The term does not include a food service establishment, retail food store, or commissary operation.

"Food service establishment" means any place where food is prepared and intended for, though not limited to, individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen type operations that prepare foods intended for individual portion service. The term does not include lodging facilities serving only a continental breakfast, (a continental breakfast is one limited to only coffee, tea, and/or juice and commercially prepared sweet baked goods), private homes or a closed family function where food is prepared or served for individual family consumption, retail food stores or the location of food vending machines.

"Full time" means 30 hours or the length of time the facility is in operation, whichever is less.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

"Hermetically sealed container" means a container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its content after processing.

"Kitchenware" means all multi-use utensils other than tableware.

"Law" includes State and local statutes, ordinances, and regulations.

"Lodging facilities" means any hotel, motel, motor inn, lodge, inn or other quarters which provides temporary sleeping facilities open to the public.

"Mobile food unit" means a vehicle-mounted food service establishment designed to be readily movable.

"Operational supervision" means the on-site supervision and management of the foodservice facility, operations, and employees.

"Packaged" means bottled, canned, cartoned, or securely wrapped.

"Person" includes any individual, partnership, corporation, association, or other legal entity.

"Person in charge" means the individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

"Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include foods which have a pH level of 4.6 or below or a water activity ( $a_w$ ) value of 0.85 or less.

"Pushcart" means a non-self-propelled vehicle limited to serving nonpotentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

"Reconstituted" means dehydrated food products recombined with water or other liquids.

"Regulatory authority" means the State and/or local enforcement authority or authorities having jurisdiction over the food service establishment.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

"Safe materials" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in section 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act, they are "safe" only if they are used in conformity with regulations established pursuant to Section 409 or Section 706 of the Act. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in section 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act and are used in conformity with all applicable regulations of the Food and Drug Administration.

"Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level (when those disease organisms which may be present are destroyed so as to prevent transfer) on cleaned food-contact surfaces of utensils and equipment.

"Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

"Single service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and similar articles intended for one-time, one-person use and then discarded.

"Tableware" means multi-use eating and drinking utensils.

"Temporary food service establishment" means food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

"Utensil" means any implement used in the storage, preparation, transportation, or service of food.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 750.20 Inspections and Inspection Report

a) All food service establishments are subject to inspection at all times.

b) The operator of the food service establishment shall receive a written report from the health authority at the end of the inspection. The inspection findings shall be reported on the "Retail Food Sanitary



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

Inspection Report", Form IL 482-0200 (see Appendix A) or on a report form substantially similar which, includes at a minimum, the same information and addresses all forty-five (45) items.

- c) All forty-five (45) items on the inspection report shall be addressed and rated in accordance with the Food Service Sanitation Code, 77 Ill. Adm. Code 750.

- d) An alternate scoring system, as approved by the Director and which evaluates all aspects of the Illinois Food Service Sanitation Code, may be substituted for the current scoring system of 100 points minus debit points. This may include systems, for example, where each violation rather than each item is assigned a weight, where an additional point value is debited for lack of the required certified food service manager, where critical violations (to be defined) carry a larger than usual point value because of inherent risk, where separate scoring systems are instituted for critical and non-critical violations, or other effective methods which assist the inspector in making an evaluation of the sanitation level in the food establishment.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: PERSONNEL

## Section 750.540 Management Sanitation Training and Certification

- a) All food service establishments as defined in Section 750.10 shall be under the operational supervision of a certified manager or supervisor. A minimum of one, full-time certified person supervisor shall be required at each establishment is required; provided, however:
- 1) That new food service establishments shall have six (6) months from the initial day of operation to comply.
  - 2) That food service establishments which are not in compliance because of employee turnover or other loss of certified personnel, shall have three (3) months from date of loss of certified personnel to comply.
- b) Certification shall be achieved by successfully completing an department approved course and monitored examination offered by the Illinois Department of Public Health, the Educational Foundation (250 North Wacker Drive, Chicago, Illinois 60606), or the Educational Testing Service (1 Rotary Center, Suite 300, 1560 Sherman Avenue, Evanston, Illinois 60201), or other approved examination monitored by the Department of Public Health or its designated representative. -- A certificate of Certification will be issued to

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

candidates attaining the passing point as determined by the Department of Public Health. An approved course and examination shall be in compliance with Subpart J of this Part.

- c) Names and certificate numbers of certified personnel shall be maintained at the place of business and shall be made available for inspection.
- d) Certificate holders are required to notify the Illinois Department of Public Health of any change of address or status.
- e) The Illinois Department of Public Health will recognize similar certificates issued by local health departments in Illinois, provided the standards for certification are essentially equivalent and approved by the Department in writing.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 750.550 Management Sanitation Certification Examination (Repealed)

- a) The examination offered by the Illinois Department of Public Health or other approved examinations to candidates for certification, under this Rule, must cause the candidate to demonstrate knowledge in food service sanitation, including but not limited to: microbiology; foodborne diseases; laws, rules and regulations; food storage; preparation and service; equipment design and construction; personal hygiene; cleaning and sanitizing procedures; and rodent and insect control.
- b) Training programs to prepare candidates for the examination will be made available throughout the state through cooperation with industry and universities.
- e) Admittance to the examination will be by a certificate of a satisfactory completion of a department approved training course.

(Source: Repealed at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 750.560 Certificate Revocation or Suspension

- a) Certificates issued under this Part expire five years from date of issuance. Certificates will be renewed by the Illinois Department of Public Health at the request of the certified manager certificate holder if received by the department within 90 days after the existing prior to the certificate's expiration date.
- b) An individual with an expired certificate may attempt an approved and monitored Foodservice Sanitation Manager Certification examination



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

once within six months after the expiration date of the original certificate. If the individual does not successfully complete the examination with a final score of 75 or higher, they must complete an approved Foodservice Sanitation Manager Certification course before attempting the examination again.

- bc) Any certificate of certification may be revoked or suspended by the State or local health department enforcing this Part when the holder or person under his supervision repeatedly fails to comply with this Part. Prior to such suspension or revocation, the holder of said certificate shall be given the opportunity for a hearing before the regulatory authority pursuant to the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART J: FOODSERVICE SANITATION MANAGER CERTIFICATION

## Section 750.1800 General

The Foodservice Sanitation Manager Certification program shall comply with the requirements of this Part.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 750.1810 Instructor Approval

The Foodservice Sanitation Manager's Certification course must be taught by a Department approved instructor. The minimum qualifications for a Department approved instructor are:

- a) Possession of a high school diploma or its equivalent.
- b) Completion of a Department approved Foodservice Sanitation Certification course or its equivalent.
- c) Completion of the Illinois Department of Public Health, Educational Foundation or the Educational Testing Service's Foodservice Sanitation Certification monitored examination with a final score of 75% or higher.
- d) Completion of the Department Foodservice Certification Instructor's examination with a final score of 90% or higher. An individual can attempt the instructor's examination twice. If they do not receive a final score of 90% or higher after the second attempt, they must take an approved Foodservice Sanitation Manager Certification course again prior to retaking the instructor's examination.
- e) Attendance of at least one five-hour training seminar every two years. The seminar shall cover food safety and sanitation topics.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

## Section 750.1815 Instructor Denial

Approval of an instructor may be revoked based on instructor performance, inability to effectively communicate information to the course participants, class performance or violations of this Part. Prior to such revocation, the holder of said certificate shall be given the opportunity for a hearing before the regulatory authority pursuant to the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 750.1820 Course Content

- a) The minimum course content and fifteen hours length of training is as follows. The instructor should consider expanding the number of contact hours when a review of the participants reveal learning disabilities, language barriers or other inhibiting factors to learning.

## b) Subject Area

- |   |       |
|---|-------|
| 1) Food   | Hours |
| A) Foodborne Disease: Problem, Cause, Prevention.   | 4     |
| B) Food Protection: Source, Receipt, Storage, Preparation, Service, Transportation.                                   | 4     |
| 2) Facilities   |       |
| A) Sanitary: Water and waste disposal, Handwashing, Plumbing, Cleaning/Sanitizing: Dishwashing Operations, Storage of |       |
| B) Cleaned equipment and utensils, Housekeeping, Schedules.   |       |
| C) Non-food Supplies: Single-service items, Linens, Toxic materials.  |       |
| D) Physical: Building Construction, Ventilation, Lighting, Insect/Rodent Control, Safe environment.                   |       |
| 3) Food Handlers  | 2     |
| A) Personal Hygiene: Proper dress, Handwashing, Habits, Exclusion when ill.   |       |
| B) Food Handling Practices: Minimum handling, Use of utensils.  |       |
| 4) Codes Related to Food service Establishments   |       |
| A) Public Health Codes & Regulations: Responsibilities affecting operation.   |       |
| 1) Food, Drug and Cosmetic Act (Ill. Rev. Stat., 1987, ch. 56 1/2, par. 501 et. seq.)                                 |       |
| 2) Food Service Sanitation Code (77 Ill. Adm. Code 750)   |       |
| 3) Meat and Poultry Inspection Code (77 Ill. Adm. Code 125) as it pertains to food service establishments.            |       |
| B. Regulatory Inspection Report and its use as a control tool.  |       |
| 5) Management   |       |
| A) Self-inspection: Promotion, Techniques   | 3     |



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- B) Motivation: Planning to meet sanitation guidelines, Economics of safe food handling, Safety concerns.  
 C) Personnel Training: Management's responsibility, Resources, Methods.

c. Evaluation Examination

- A. Monitored by an Department employee and/or a Department approved monitor.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 750.1830 Course Approval

Course approval by the Department is contingent on the following requirements:

- a) An approved instructor must teach the course.  
 b) An approved institute must sponsor the instructor. Such approved institutions are limited to local health departments, community colleges, universities, institutional training programs or nutrition consultation agencies. Exceptions shall be approved only by the Department based on the instructor's demonstrated ability to provide a location, text books, hand-outs or other references, for example, agreements with bookstores to make references available for sale.

- c. An approved course syllabus is to be used. Each course shall meet the standards for content and length of training. The syllabus shall delineate:

- 1) text book and other teaching materials used
- 2) methods and locations used for instructions
- 3) course content
- 4) topics and length of class meeting
- 5) method used to determine students participation and presence during the course sessions, examples, sign-up sheets, roster, etc.

- d) Instructors shall submit two copies of the syllabus to the Central Office, Division of Food, Drugs and Dairies, and receive approval prior to teaching a State approved course, or inform the Central Office of the Division of Food, Drugs and Dairies of the institution syllabus they are using. One syllabus shall be retained by the Central Office, the second will be sent to the applicable Regional Office.

- e) The Department's Food Service Sanitation Certification exam shall not be offered to individuals who participated in a non-approved course or who were taught by a non-approved or inactive instructor unless course waiver applies.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- f) A course must have a minimum of five students.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 750.1835 Make Up Work

- a) The routine use of home-study preparation to complete the 15 hour course requirement shall not be approved. Make-up work; i.e., home study, is reserved for extraordinary situations, such as illness. Its use shall be reviewed on a case-by-case basis and approved by the instructor prior to the student taking the examination. Portions 5A and 5C, as defined in Section 750.1820, shall be taught in-class only, no make-up waiver will be approved. No more than four of the state-required course hours may be make-up work.

- b) Make-up work will include required text and handout readings and written assignments covering the subject missed in class. The homework shall be graded and returned to the student prior to taking the Foodservice Sanitation Certification examination.

- c) The class roster will reflect make-up work and its grade for the review of the monitor.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 750.1836 Home Study

Home study other than make-up work as described in Section 750.1835 shall not be approved in lieu of the minimum 15 hour, in-class course.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 750.1837 Course Waiver

- a) The certification course may be waived by the Department if the individual has taken an equivalent course or combination of courses which is equivalent or exceeds Department standards for course content and length. The individual must submit, to the Department, documentation of the course content (syllabus), length of training, and documentation such as a letter from the instructor, transcript, or certificate indicating course completion. Such training must be completed within five years of applying for the Department certificate.

- b) If the individual satisfies the above stipulations, they may take the Department certification examination once without taking a Department-approved course. If they do not pass the exam, they must take a Department-approved course prior to taking the examination



again.  
(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 750.1838 Course Denial

Approval of a course may be cancelled based on performance of students taking the exam. A failure rate of 33% or higher of the participants in two consecutive classes or in three out of five classes may be grounds for course disapproval. Department staff shall work closely with each new instructor and assist any instructor with course review or presentation techniques when a second, high failure class is noted.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 750.1840 Reciprocity

- a) The Department will recognize similar course work and/or certificates and develop reciprocity agreements or similar approval agreements with industry, state or local health departments, provided that:
- 1) the course work or certificate was completed within five (5) years of applying for an Illinois Food Service Sanitation Manager certificate, and
  - 2) the standards for certification are essentially equivalent to Section 750.1820 through Section 750.1836, and
  - 3) the reciprocal course and/or certificate is approved by the Department in writing.

- b) Reciprocity agreements shall be reviewed on an annual basis.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 750.1850 Certification Examination

The examination shall reflect the course content and be used as a measure of the candidate's knowledge of food service sanitation. In addition, examination formulation shall follow the following guidelines:

- a) Questions must be proportionate to the subject areas included under Course Content and Length of Training guidelines delineated under Section 750.1820.
- b) The question format shall be multiple choice.
- c) New forms of the examination must be pretested to identify questions that could possibly be misinterpreted by candidates.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 750.1860 Examination Notification

The instructor shall complete and submit an "Examination Date Notification" form (see Appendix B) to the Department at least 30 days prior to the examination.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 750.1861 Class Enrollment Form

- a) The instructor shall submit a completed "Class Enrollment" form (see Appendix C) at the time of the examination. The presence of a student's name on this list is the instructor's verification that the individual completed the required course. The monitor shall confirm the list with the class roster.

- b) The names shall be listed on the enrollment form in alphabetical order.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 750.1862 Administration of Examination

- a) The examinations shall be stored and administered under secure conditions. They shall be inventoried prior to and immediately following each administration of the examination.
- b) Location of the exams shall be monitored and kept in a log at all times. The State of Illinois Foodservice Sanitation Manager Certification exams shall not be out of the Department for more than 10 days. Exams shall be sent by Certified Mail, UPS, hand delivered or other method approved by the Department.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 750.1865 Monitors

- a) There shall be one monitor for every 35 students taking the examination.
- b) Approved monitors shall be restricted to individuals in one of the following groups:

- 1) Illinois Department of Public Health personnel
- 2) Local Health Department personnel
- 3) State institution personnel; i.e. Department of Corrections
- 4) Community colleges or universities
- 5) Representatives of the Educational Foundation or Educational Testing Service who are monitoring their agency's examinations



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- c) The Department reserves the right to determine who may function in the role as a monitor.
- d) The monitor shall confirm the identity of the individual who wishes to take the examination by photograph identification, such as a driver's license, student identification card or other legal document with the individual's signature such as a social security card. Incarcerated individuals do not need a photograph identification.
- e) The monitor shall confirm that the individual has taken an approved course prior to retaking the exam in one or more of the following methods:
- 1) Instructor at the exam site will confirm that he/she instructed the individual.
  - 2) Individual submits the Department fail letter sent to him and the monitor confirms the name and address on the letter against the person's identification.
  - 3) Individual submits the "Permission To Retake Certification Examination" form (See Appendix D) which has been signed by the instructor. The monitor must confirm the name listed on the form with the person's identification.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 750.1868 Cheating

- a) An individual determined to have cheated on the Certification examination shall not be entitled to certification. The individual must retake an approved course before taking the examination again.
- b) An individual determined to have cheated on the Instructor's examination shall not be certified as an instructor.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 750.1870 Re-test Class

The Department reserves the right to approve or reject retest requests and to retest individuals or a class:

- a) if it appears that there was substantial probability that cheating occurred.
- b) if it appears that the examination integrity was compromised.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

Section 750.1876 Dictionary

An individual who speaks English as a secondary language may use a dictionary which translates English to the native language.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 750.1880 Retake Examination

- a) An individual shall only retake the exam twice. If the person does not pass the exam after three attempts, they must again take an approved course prior to taking the exam. All attempts at retaking the examination must be completed within six months of completing the course.

- b) An individual may retake the examination by scheduling it with the Department, or with another approved class, if first approved by the class instructor.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 750.1890 Certificates

The certificates will be valid for five years unless revoked under Section 750.560 of the Illinois Food Service Sanitation Rules and Regulations.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 750.1895 Change of Address

Certificate holders shall inform the Department of any name or address changes. Legal documentation such as marriage certificate, divorce decree or court approved name change shall be provided for any name change.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

## Appendix B Examination Date Notification Form

FOOD SERVICE MANAGER CERTIFICATION

Examination Date Notification

EXAMINATION DATE	TYPE: State
EXAMINATION TIME	Other (specify)

INCLUDE MAP AND/OR DIRECTIONS TO SITE:  
PLEASE INDICATE PARKING

(Regional Use)

**MONITOR ASSIGNED**

\*Submit 30 days prior to the examination date to assure that a monitor can be scheduled and/or exams will be available.

IL 482-0489

1499K/45K

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

## Appendix A Retail Food Sanitary Inspection Report

Establishment

Number \_\_\_\_\_

Telephone \_\_\_\_\_  
 [ ] Original [ ]

Follow-up

☐ Other \_\_\_\_\_

Illinois Department of Public Health

Division of Food, Drugs and Dairies

West Jefferson Street, Springfield, IL

Phone: (217) 185-2439

RAIL FOOD SANITARY INSPECTION REPORT

Owner/Agent

---

City \_\_\_\_\_

marked below identify violations of the Illinois

<sup>b</sup> = Criminal Injuries Reimbursement Act.[illegible][illegible]

Temperature: 100/110 mmHg

[illegible]

received by title;

(Signature of Owner or Representative)

Sanitation Score \_\_\_\_\_ (100 Minus Demerits) Date \_\_\_\_\_

Time In	Time Out	By
07:00	08:00	John
08:00	09:00	John
09:00	10:00	John
10:00	11:00	John
11:00	12:00	John
12:00	13:00	John
13:00	14:00	John
14:00	15:00	John
15:00	16:00	John
16:00	17:00	John
17:00	18:00	John
18:00	19:00	John
19:00	20:00	John
20:00	21:00	John
21:00	22:00	John
22:00	23:00	John
23:00	24:00	John

11780 811 111627 <https://doi.org/10.1016/j.sbsbs.2019.05.001> **(Sanitarian)** *Journal of the American Society of Sanitary Engineers*



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

## Appendix C. Class Enrollment Form

ILLINOIS DEPARTMENT OF PUBLIC HEALTH  
OFFICE OF HEALTH PROTECTION  
DIVISION OF FOOD, DRUGS AND DAIRIES

MEMORANDUM

TO: Illinois Department of Public Health  
Division of Food, Drugs and DairiesFROM: \_\_\_\_\_  
Region \_\_\_\_\_

DATE: \_\_\_\_\_

SUBJECT: Class Enrollment Form  
Monitoring of Approved Food Sanitation Examination  
for Certification of Food Service PersonnelOn \_\_\_\_\_, I monitored/administered the \_\_\_\_\_ (State) (Education Foundation)  
(Circle One)at \_\_\_\_\_ (City, College, School) \_\_\_\_\_  
Course instruction was provided by: \_\_\_\_\_

Instructor's Name \_\_\_\_\_ Representing \_\_\_\_\_

Address \_\_\_\_\_

City and Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_ Total number of persons who took the examination \_\_\_\_\_

\_\_\_\_\_ Number of these which are retake examinations \_\_\_\_\_

Mail Results to: \_\_\_\_\_

(College - Instructor - Region)

NAME (List Alphabetically)	ADDRESS	ZIP CODE	CHECK IF RETAKED	SCORE
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

Instructor's Signature \_\_\_\_\_

Monitor's Signature \_\_\_\_\_

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

## Appendix D. Permission to Retake Certification Examination Form

ILLINOIS DEPARTMENT OF PUBLIC HEALTH  
OFFICE OF HEALTH PROTECTIONRequest for Permission to Retake  
Food Service Manager Certification ExaminationName: \_\_\_\_\_  
(Last) (First) (Middle Initial)

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Social Security #: \_\_\_\_\_

## Course \_\_\_\_\_

School: \_\_\_\_\_

Instructor: \_\_\_\_\_

Date of Course: \_\_\_\_\_ thru \_\_\_\_\_

Dates of previous exams: First \_\_\_\_\_

Second \_\_\_\_\_

Affidavit: I certify that this student has completed my approved Food  
Service Sanitation Manager's Certification course.Signature: \_\_\_\_\_  
(Instructor)

2609K

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



1) Heading of the Part:

Illinois Alzheimer's Disease and Related Disorders Assistance Code

2) Code Citation:

77 Ill. Adm. Code 710

3) Section Numbers:

710.20  
710.30  
710.40  
710.50  
710.100  
710.110  
710.120  
710.130  
710.140  
710.210  
710.220  
710.230

Proposed Action:

Amendment  
Amendment  
Amendment  
Amendment  
Amendment  
Amendment  
Amendment  
Amendment  
Amendment  
Amendment

4) Statutory Authority:

Illinois Alzheimer's Disease and Related Disorders Assistance Code  
Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6901 and 6951 et seq.

5) A Complete Description of the Subjects and Issues Involved:

1. The first proposed amendment adds the sentence: The Department will fund General Research Grants on an annual basis not to exceed two consecutive years.
2. The second proposed amendment takes the place of Section 710.140 c): Each regional center will certify an applicant's documentation and information for designation as a primary alzheimer's provider.
3. The third proposed amendment provides that the sentence becomes 710.140 d): By application to the Division of Chronic Diseases, Alzheimer's Program, 535 West Jefferson, Springfield, Illinois 62761, and in accordance with the criteria set forth in Section 710.130.
4. The fourth proposed amendment inserts the following three paragraphs in Section 710.210 c):

c) Criteria for Early Researcher's Grant,

1. Definition

An early researcher is one who at the time of funding:

- a. has not been a primary investigator on any federally funded grant.
- b. is no more than three years past completion of specialty training.

A researcher who applies for a multi-year project must meet criterion 1b only for the first year of the project.

2. Responsibility

The design, organization, management and overall execution of the research must be carried out by the early researcher. Secretaries, technicians, statisticians, and the like may be used in an adjunction role, but specialized skills of the early researcher (eg. clinical interviews, psychological tests, physical examination, complex laboratory studies) must be carried out by the investigator.

3. Commitment

The early researcher must demonstrate by past achievements as well as future plans apart from the grant project that the person intends to commit a major part of the future to research in Alzheimer's Disease related areas.

Numerous grammatical changes have been incorporated.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates that this proposed rulemaking will become effective approximately six to nine months, from the date of publication as proposed in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

7) Does this Rulemaking contain an Automatic Repeal Date? Yes ☐ No ☒



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

If "yes," please specify the date: \_\_\_\_\_

- 8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ☐ No ☒

If "yes," please specify type: 6.02(a) or 6.02(b) \_\_\_\_\_

- 9) Are there any other Proposed Amendments Pending on this Part?

Yes ☐ No ☒

If Yes: \_\_\_\_\_

Section Numbers \_\_\_\_\_

Proposed Action \_\_\_\_\_

Ill. Reg. Citation \_\_\_\_\_

- 10) Statement of Statewide Policy Objectives:

Please specify: The proposed rulemaking is to increase the efficiency of the Illinois Alzheimer's Disease Program.

The rulemaking does not affect a municipality, county, township, or other unit of government, such as a school district or community college district to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenue.

- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

- 12) Initial Regulatory Flexibility Analysis:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

April 6, 1989

- B) Type of Small Businesses Affected:

Post-secondary higher educational institutions having a medical school affiliation with a medical center.

- C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

Completion of one form will be required. Each Regional Center will certify an applicant's documentation and information for designation as a primary Alzheimer's provider.

- D) Types of Professional Skills Necessary for Compliance:

No additional skills required for proposed amendments.

The full text of the Proposed Amendments begins on the next page:



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER 1: CHRONIC DISEASES

## PART 710

## ILLINOIS ALZHEIMER'S DISEASE AND RELATED DISORDERS ASSISTANCE CODE

## SUBPART A: GENERAL PROVISIONS

## SECTION

710.10 Applicability

710.20 Definitions

710.30 Incorporated Materials

710.40 Availability of Information

710.50 Administrative Hearings

## SUBPART B: REGIONAL ALZHEIMER'S DISEASE AND RELATED DISORDERS

## ASSISTANCE NETWORK

## SECTION

710.100 Description of the Network and Regions

710.110 Designation of Criteria for Regional ADA Centers

710.120 Designation Procedures for Regional ADA Centers

710.130 Designation Criteria for Primary Providers

710.140 Designation Procedures for Primary Providers

710.150 Services Provided by Regional Centers and Primary Providers

710.160 Diagnostic Evaluation of AD/DR Patients

710.165 Multi-disciplinary Team Responsibilities

710.170 Treatment

710.180 Support Services

## SUBPART C: ALZHEIMER'S DISEASE AND RELATED DISORDERS GRANTS

## SECTION

710.200 Grants to Regional AD/DR Assistance Centers

710.210 Grants from the Alzheimer's Disease Research Act Grant Fund

710.220 Funding Criteria for Grants from the Alzheimer's Disease Research Fund

710.230 Criteria for Approval of Alzheimer's Disease Research Act

Proposals

## Appendix A Regions of Illinois Department of Public Health/AD/DR

AUTHORITY: Implemented and authorized by the Illinois Alzheimer's Disease Assistance Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 6951 et seq.) and Alzheimer's Disease Research Act (Ill. Rev. Stat. 1985, ch. 111 1/2,

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

par. 6901 et seq.).

SOURCE: Emergency rules adopted at 10 Ill. Reg. 20029, effective November 21, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 8743, effective April 15, 1987; amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: Capitalization denotes statutory language.

## SUBPART A: GENERAL PROVISIONS

## Section 710.20 Definitions

"ACT" means the Alzheimer's Disease Assistance Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 6951 et seq.).

"ADA ADVISORY COMMITTEE" OR "ADVISORY COMMITTEE" OR "COMMITTEE" MEANS THE ALZHEIMER'S DISEASE ADVISORY COMMITTEE CREATED UNDER SECTION 6 OF THIS ACT. (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 6953(e)).

"ALZHEIMER'S DISEASE AND RELATED DISORDERS" OR "AD" OR "AD/DR" MEANS A HEALTH CONDITION RESULTING FROM SIGNIFICANT DESTRUCTION OF BRAIN TISSUE WITH RESULTANT LOSS OF BRAIN FUNCTION, INCLUDING, BUT NOT LIMITED TO, PROGRESSIVE, DEGENERATIVE AND DEMENTING ILLNESSES INCLUDING PRESENILE AND SENILE DEMENTIAS, INCLUDING ALZHEIMER'S DISEASE AND OTHER RELATED DISORDERS. (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 6953(a)).

"ALZHEIMER'S DISEASE ASSISTANCE NETWORK" OR "ADA NETWORK" MEANS THE VARIOUS HEALTH, MENTAL HEALTH AND SOCIAL SERVICES AGENCIES THAT PROVIDE REFERRAL, TREATMENT AND SUPPORT SERVICES UNDER STANDARDS AND PLANS ADOPTED AND IMPLEMENTED IN CONJUNCTION WITH A REGIONAL ADA CENTER. (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 6953(d)).

"Caregivers" means those individuals that provide a continuum of care to AD/DR victims; this includes family members, relatives, health care professionals, legal guardians, and other individuals.

"Case Management" means providing comprehensive needs assessment and services coordination to assist AD/DR victims and their families in gaining access to and receiving needed support services.

"Clearinghouse Services" means the procedure for the correlation of data and matching services to AD/DR victims and families.

"Clinical Diagnosis" or "diagnosis" means the process of



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

identifying by means of an examination "Probable AD", or "Possible AD", or and "Definite AD".

"Consultation" means information given by the multi-disciplinary team to persons who may be, or who have been, diagnosed as victims of Alzheimer's disease and related disorders and to their family members and legal guardians.

"Dementia" or "primary dementia" or "dementing illness" means a loss of intellectual abilities of sufficient severity to interfere with social or occupational functioning.

"DEPARTMENT" MEANS THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH. (111. Rev. Stat. 1985, ch. 111 1/2, par. 6953(f)).

"Detection" means the process of determining through identification and diagnostic evaluation the level of probable AD and geographic distribution of victims of Alzheimer's disease and related disorders.

"Diagnostic Evaluation" means a) evaluations of a person suspected of having Alzheimer's disease through thorough physical, neurological and psychiatric evaluations; After ~~after~~ other diseases have been ruled out, a determination of AD can usually be made on the basis of medical history, mental status and the course of the illness; b) the process of assessing cognitive abilities and deficits among persons who may be or who have been diagnosed as victims of Alzheimer's disease and related disorders; and c) the process of assessing the social needs and capabilities of AD victims, caregivers and family members.

"Identification" means the description of the specific form of dementing illness; it does not imply that the condition will have a particular course, duration or end-point.

"Multi-Disciplinary Team" or "referral team" means a team approach which assesses the needs and capabilities of AD victims and family members; team members are drawn from the disciplines of medicine (general medicine, neurology, psychiatry), nursing, social work, psychology and occupational therapy.

"PRIMARY ALZHEIMER'S PROVIDER" OR "PRIMARY AD/DR PROVIDER" OR "PRIMARY PROVIDER" MEANS A LICENSED HOSPITAL, A MEDICAL CENTER UNDER THE SUPERVISION OF A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN ALL OF ITS BRANCHES, OR A MEDICAL CENTER THAT PROVIDES MEDICAL CONSULTATION, EVALUATION, REFERRAL AND TREATMENT TO PERSONS WHO MAY BE OR WHO HAVE BEEN DIAGNOSED AS VICTIMS OF ALZHEIMER'S DISEASE OR RELATED DISORDERS PURSUANT TO POLICIES, STANDARDS,

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

CRITERIA AND PROCEDURES ADOPTED UNDER AN AFFILIATION AGREEMENT WITH A REGIONAL ADA CENTER UNDER THIS ACT. (111. Rev. Stat. 1985, ch. 111 1/2, par. 6953(c)).

"Primary Investigator" means the person with prime responsibility for conducting a research project.

"REGIONAL ALZHEIMER'S DISEASE ASSISTANCE CENTER" OR "REGIONAL ADA CENTER" MEANS A POST-SECONDARY HIGHER EDUCATIONAL INSTITUTION HAVING A MEDICAL SCHOOL IN AFFILIATION WITH A MEDICAL CENTER, AND DESIGNATED AS SUCH BY THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH UNDER SECTION 4 OF THIS ACT. (111. Rev. Stat. 1985, ch. 111 1/2, par. 6953(b)).

"Research Act" means the Alzheimer's Disease Research Act (111. Rev. Stat. 1985, ch. 111 1/2, par. 6901 et. seq.).

"Referral" means the process of linking persons who may be or who have been diagnosed as victims of Alzheimer's disease or related disorders with services in response to those needs.

"Research" means a scientific investigation into possible causes, locations, progression, treatment, care and cure of Alzheimer's disease and related disorders.

"Service Area" means a specific geographic area of Illinois served by an ADA network containing a Regional ADA Center.

"Social Services Agencies" or "social agencies" or "resource agencies" or "other public and private resources" means entities that provide direct support and help to persons who may be or who have been diagnosed as victims of Alzheimer's disease and related disorders and to their caregivers.

"Support Services" means both formal and informal resources that are available to the support system of caregivers, which includes family members, in order to meet the needs of AD/DR victims, including nursing, adult day care, long term care, rehabilitation, mental health and social services.

"Training and Continuing Education" means all in-service training, staff development, refresher courses, workshops, conferences, institutes, telelectures and other educational methods used to assist health care professionals and caregivers in care and treatment of AD/DR victims.

"Treatment" or "patient treatment" or "care and treatment" means everything that can be done to treat and support persons who may



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

be or who have been diagnosed as victims of Alzheimer's disease and related disorders in order to improve the quality of life, including support for their family members.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 710.30 Incorporated Materials

- a) The following materials are incorporated or referenced in this Part:

1) Illinois Alzheimer's Disease Assistance Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 6951 et seq.) (See Section 710.20);

2) Alzheimer's Disease Research Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 6901 et seq.) (See Section 710.20);

3) Freedom of Information rules (2 Ill. Adm. Code 1126) (See Section 710.40);

4) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) (See Section 710.50);

5) Protection of Identity of Research Subjects (42 CFR 2.64(a)-(j), 2a.6(a)-(b), and 20.7(a)-(b) 42-CFR-2; parts-44-j; 6a-b; 7a-b) (See Section 710.230).

- b) All citations to federal regulation in this Part concern the specified regulations in the 1985 Code of Federal Regulations, unless another date is specified.

- c) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 710.40 Availability of Information

- a) All reports issued by the Department which are aggregated to make it impossible to identify any patient or reporting facility, including the ADA Plan, shall be made available to the public pursuant to the Department's Freedom of Information Rules (2 Ill. Adm. Code 1126) and the Freedom of Information Act (Ill. Rev. Stat. 1985, ch. 116, par. 201 et seq.).

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- b) All requests from researchers for access to data must be submitted in writing to the Department. All such requests will be reviewed in accordance with the provisions in Sections 710.210 and 710.220 of this Part.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 710.50 Administrative Hearings

Departmental actions or decisions concerning the designation of Regional ADRC Centers, primary providers and the distribution of research grants under this Part and the Act can be contested in an administrative hearing. All administrative hearings shall be conducted in accordance with the Act and the Department's Rules of Practice and Procedures in Administrative Hearings (77 Ill. Adm. Code 100).

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: REGIONAL ALZHEIMER'S DISEASE AND RELATED DISORDERS ASSISTANCE NETWORK

## Section 710.100 Description of the Network and Regions

The purpose of the Act is to create a network of services for patients suffering from Alzheimer's disease and related disorders and to establish diagnostic and treatment centers for Alzheimer's disease and related disorders. At least one Regional ADA Center will serve the Chicago metropolitan and surrounding area, and at least one Regional ADA Center will serve the rest of the state. (See Section 710. Appendix A). These centers will be required to establish a network for the provision of services in their region. This network will consist of health services, mental health services, social services and primary providers accessible to patients and family members and will take advantage of community-based services that are already available and can be developed. The establishment of Alzheimer's disease and related disorders assistance network will facilitate development of a system for delivery and coordination of services to these patients and their families.

- a) An Alzheimer's disease assistance network is composed of three elements:

1) A Regional Alzheimer's Disease Assistance Center which enters into affiliation agreements with primary and other providers for the provision of services. The principle duties of the Centers will be diagnostic evaluation, treatment, referral and research.

2) Primary ADRC providers provide direct medical consultation, evaluation, referral and treatment.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 3) Other public and private resources providing health, mental health, and social services, such as local physicians, nursing homes, home-care providers, self-help and support groups.
- b) The regions consist of the following Illinois Department of Public Health regions:
  - 1) Chicago Region consists of Illinois Department of Public Health regions seven and eight which are the same as Illinois Department on Aging's Regions six, seven, eight and nine.
  - 2) ADRD Downstate Region consists of Illinois Department of Public Health regions one, two, three, four, five and six which are the same as Illinois Department on Aging's Regions one, two, three, four, five, ten and eleven.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 710.110 Designation of Criteria for Regional ADA Centers

In order to be considered for designation by the Department as a Regional ADA Center, an applicant must provide the following documentation and information:

- a) Certification of the applicant's status as a post-secondary higher educational institution having a medical school in affiliation with a medical center.
- b) Identification of a Regional Coordinator with responsibilities for monitoring all aspects of the Center's duties.
- c) A description of how the region will be served (complying with Section 710.100), shall include at a minimum:
  - 1) Specific geographic areas to be covered with specific services;
  - 2) Target populations to be served, including age groups by sex, race and population size.
- d) A description of the on-site comprehensive diagnosis and treatment facilities and services available through the applicant, shall include at a minimum identification of:
  - 1) Specific services which comply with the criteria as set forth in Sections 710.150 to 710.180.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 2) PROFESSIONAL MEDICAL STAFF SPECIALLY-TRAINED FOR DETECTION, DIAGNOSIS AND TREATMENT AVAILABLE TO AD VICTIMS AND FAMILIES:
  - A) GERIATRIC MEDICINE (including Internal Medicine and Family Practice);
  - B) NEUROLOGY;
  - C) PSYCHIATRY;
  - D) PHARMACOLOGY.
- 3) SUPPORT STAFF TRAINED AS CAREGIVERS TO AD VICTIMS AND FAMILIES.
- 4) EQUIPMENT NECESSARY FOR DIAGNOSIS AND TREATMENT AVAILABLE TO AD VICTIMS AND FAMILIES.
- 5) WRITTEN PLANS FOR TRANSPORTATION SERVICES FOR OUTREACH, WHICH ASSURE ACCESS TO SERVICES FOR AD VICTIMS AND FAMILIES.
- 6) ANY ADDITIONAL SERVICES, EQUIPMENT, MEDICAL AND SUPPORT STAFF AVAILABLE TO AD VICTIMS AND FAMILIES.
- 7) MEDICAL AND FINANCIAL ELIGIBILITY FOR SERVICES AVAILABLE TO AD VICTIMS AND FAMILIES.
- e) The identification of consultation and referral services available through the applicant to ADRD victims and their families, and for each service:
  - 1) A description of procedures to assure informed consent for referral and disclosure of information.
  - 2) Copies of consent forms available to ADRD victims and family members.
  - 3) A description of procedures used by the applicant to assist ADRD victims and their families in obtaining support services through primary and other providers.
- f) A description of research facilities and programs conducted by the applicant's faculty and students to discover the cause of, diagnosis, cure or treatment for Alzheimer's disease and related disorders, shall include at a minimum:
  - 1) Research under the Research Act which complies with the criteria as set forth in Sections 710.210 and 710.220.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 2) Research group members and affiliations.
- 3) Copies of progress reports for ongoing research, including research objectives.
- 4) Current source and amount of funding for research programs.
- 5) Procedures and forms used to obtain patient consent to participate in research.
- 6) Any preliminary or final reports on results and conclusions.
- 9) A listing of scientific and medical research programs concerning Alzheimer's disease and related disorders other than those identified in subsection (f) that are designed to qualify for Federal funds, and for each program:
  - 1) Principal investigator, research group members and affiliations.
  - 2) Copies of progress reports for ongoing research, including research objectives.
  - 3) Current source and amount of funding for research programs.
  - 4) Potential sources of Federal financial participation.
  - 5) Any preliminary or final reports on results and conclusions.
- h) A description of centralized data collection, processing and storage facilities that will serve as a clearinghouse of information within the service area, shall include at a minimum identification of:
  - 1) Automated equipment available for recording, updating and tracking information to assist Alzheimer's disease and related disorders victims, families, professionals and other providers.
  - 2) Forms and procedures used to report and process information in the patients' medical records in relation to consultations, referrals and treatments by service providers within the Alzheimer's Disease Assistance network.
  - 3) Telecommunications services available to ADRD victims, families, professionals and other providers.
  - 4) Information summaries describing the purpose, nature and

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- scope of clearinghouse services available to Alzheimer's disease and related disorders victims, families, professionals and other providers.
- 5) Current fact sheets and information packets developed in areas of interest to family members, professional and other providers.
  - i) A description of training and continuing education programs provided or planned for personnel, caregivers, including family members, within service area, and for each program:
    - 1) Goals, objectives, activities and outcomes.
    - 2) Number of programs, participants and instructors.
    - 3) Curriculum materials, non-print media, audiovisual and electronic equipment.
    - 4) Evaluation forms and results.
  - j) Plans for the identification of Primary Providers which will provide services throughout the region within the ADA network.
  - k) Plans for the identification of other providers of service within the ADA network, and for each other provider of service that is identified:
    - 1) Copies of written plans for complying with minimum standards for referral, treatment and support services (as set forth in Sections 710.150 to 710.170710-140-~~710-160~~ adopted in conjunction with the applicant.
    - 2) Financial eligibility criteria for receiving services.
    - 3) Utilization reports on facilities and services available from other providers of service to ADRD victims and families within the area.
    - 4) Copies of reports on research and treatment.
  - l) Written affiliation agreements with all identified and designated primary providers.
  - m) A description of the procedures for recording and reporting research and treatment results from primary providers and other providers to the service providers within the network and to the Department.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 710.120 Designation Procedures for Regional ADA Centers

- a) An applicant seeking designation as a Regional ADA Center must submit documentation and information in accordance with guidelines set forth in a Request for Proposals.
- b) The Department shall designate no more than one Regional ADA Center per region based upon the following criteria: degree of compliance with the provisions of the Act and this Part, and recommendations from the Alzheimer's Disease Advisory Committee.
- c) Specific information concerning the Request for Proposals can be obtained by contacting the Division of Chronic Diseases, Alzheimer's Program, Illinois Department of Public Health, 535 West Jefferson Street, Springfield, Illinois 62761.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 710.130 Designation Criteria for Primary Providers

In order to be considered for designation as a primary provider, an applicant must provide the following documentation and information:

- a) Documentation that the applicant meets the definition of primary provider. (See Section 710.20, "Primary Provider").
- b) Documentation of the applicant's actual or proposed affiliation with a Regional Alzheimer's Disease Assistance Center.
- c) A description of the proposed service area shall include at a minimum:
  - 1) Specific geographic areas to be covered with specific services;
  - 2) Target populations to be served, including age groups by sex, race and population size;
- d) A description of the specific services to be provided which comply with the criteria as set forth in Sections 710.160 to 710.180;
- e) A description of the professional medical staff, support staff and equipment to be provided;
- f) Written plans for transportation services for outreach which

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

assure access to services for ADRD victims and families.

- g) Copies of written plans for complying with minimum standards for referral, treatment and support services (as set forth in Sections 710.160 to 710.180);
- h) Financial eligibility criteria for receiving services;
- i) Utilization reports on facilities and services available from primary providers to ADRD patients and families within the service area; and
- j) Copies of reports on research and treatment.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 710.140 Designation Procedures for Primary Providers

- a) An applicant may pursue designation as a primary provider through either of two methods:

- a 1) In cooperation with an applicant seeking designation as a Regional ADA Center. The applicant for Center designation would submit information and documentation related to the potential primary provider in accordance with the criteria set forth in Sections 710.100 (j) and 710.130.
- b A) All applicants which meet the definition of "Primary Providers" and provide the information required in Section 710.130 shall be designated by the Department.
- e B) Each Regional Center will certify an applicant's documentation and information for designation as a primary provider.
- 2) By application to the Division of Chronic Diseases, Alzheimer's Program, 535 West Jefferson, Springfield, Illinois 62761, and in accordance with the criteria set forth in Section 710.130.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 710.210 Grants from the Alzheimer's Disease Research Fund

- a) The Department shall make grants from the Alzheimer's Disease Research Fund. These grants will take two forms: General Research Grants not to exceed \$20,000 and Early Researcher's Grants not to exceed \$30,000. The Department will fund General



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

Research Grants on an annual basis. The maximum number of years of funding any one research project shall be two. A renewal application must be submitted for grants funded for two years.

b) Applications shall be approved based upon the following criteria: degree of compliance with the Act and this Part, and recommendations from the Alzheimer's Disease Advisory Committee.

c) The exact amount and number of grants will depend upon amount of funds appropriated to the Department and the number of applications received and approved.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 710.220 Funding Criteria for Grants from the Alzheimer's Disease Research Fund

In order to be considered for grant funding from the Alzheimer's Disease Research Fund, an applicant must provide the Department with the following documentation and information:

a) For a Research Grant, certification that the applicant is one of the following:

- 1) a physicians licensed in Illinois to practice medicine in all of its branches;
- 2) a licensed hospitals in Illinois;
- 3) a licensed laboratories in Illinois;
- 4) a Post-Secondary Higher Educational Institutions in Illinois;
- 5) any other medical professionals (e.g., nurses, therapists, etc.).

b) For a Research Grant, an applicant shall submit the following documentation and information on research methodology:

- 1) A brief description of the specific problem to be studied and a brief overview of the proposed methodology;
- 2) Any hypotheses to be tested;
- 3) The experimental design and procedures to be used;
- 4) The research timetable;

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 5) Methods for collecting, analyzing and interpreting data;
- 6) Facilities, equipment and other resources to be used, along with methods of use;
- 7) A description of how the Research Grant would enable the applicant to pursue research that differs from any ongoing research by the applicant.
- 8) General background, experience and qualifications of the applying institution or individual(s);
- 9) A list of proposed personnel, both full-time and part-time, including curricula vitae of the principal researcher and other staff; and
- 10) Identification of the project's primary contact person.
- 11) Total budget for research project for which application is being made;
- 12) All proposed funding sources and amounts including this grant, other grants, institutional support, and other sources;
- 13) A line item budget for the funding period using a Budget Format provided by the Department; and
- 14) A proposed budget covering a two-year period beyond the period for which funding is being sought, if the applicant is pursuing or intends to pursue on-going research.

c) Criteria for Early Researcher's Grant,

1) Definition

- A) An early researcher is one who at the time of funding:
  - i) has not been a primary investigator on any federally funded grant.
  - ii) is no more than three years past completion of specialty training.
- B) A researcher who applies for a multi-year project must meet criterion in subsection 710.220(c)(1)(A)(ii) only for the first year of the project.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

2) Responsibility

The design, organization, management and overall execution of the research must be carried out by the early researcher. Secretaries, technicians, statisticians, and the like may be used in an adjunct role, but specialized skills of the early researcher (e.g. clinical interviews, psychological tests, physical examination, complex laboratory studies) must be carried out by the early researcher.

3) Commitment

The early researcher must demonstrate by past achievements as well as future plans apart from the grant project that the person intends to commit a major part of the future to research in Alzheimer's Disease related areas.

4) Other Qualifications/Requirements For an Early-Researcher's Grant;

- 1) A) Certification that the applicant has completed within the past three years or will be in his/her final year of higher education training during the grant period;
- 2) B) The criteria outlined in 710.220(b) (1) through (7);
- 3) C) The applicant's qualifications and experience and a brief overview of the applicant's career goals as they relate to Alzheimer's disease and related disorders research;
- 4) D) A proposed line item budget for the funding period using a Budget Format provided by the Department.
- 5) E) Three letters of recommendation, including one from the applicant's supervisor or academic advisor.

de) Funded applicants must comply with the following reporting procedures:

- 1) Submission to the Department of quarterly and yearly progress reports.
- 2) Submission of a project year narrative to the Department.

ef) Solicitation of Research Proposals

Research proposals will be solicited in response to a Request for

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

Proposals prepared and distributed by the Department.

f) Proposal Evaluation

Research proposals will be evaluated by a review panel selected from the Alzheimer's Disease Advisory Committee. The applications shall be evaluated and ranked according to degree of compliance with the Act and this Part.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 710.230 Criteria for Approval of Alzheimer's Disease Research Act Proposals

- a) All requests by researchers for confidential data must be submitted in writing to the Department. The request must include a study protocol which contains: objectives of the research; rationale for the research including scientific literature justifying current proposal; overall study methods, including copies of forms, questionnaires, and consent forms used to contact facilities, physicians or study subjects; methods for the processing of data; storage and security measures taken to ensure confidentiality of patient identifying information; time frame of the study; a description of the funding source of the study (e.g., federal contract); the curriculum vitae of the principal investigator and a list of collaborators. (42 CFR 2.24(a)-(j), 2a.6(a)-(b), and 20.7(a)-(b)42-CFR-27-pars.-41-3, 6a-b, 7a-b1).
- b) All requests to conduct research and modifications to approved research involving the use of data which includes patient identifying information shall be subject to a standardized review. The Department will enter into contracts for research which require the release of patient identifying information when requests meet the following conditions:

- 1) The request for patient identifying information contains stated goals or objectives.
- 2) The request documents the feasibility of the study design in achieving the stated goals and objectives.
- 3) The request documents the need for the requested data to achieve the stated goals and objectives.
- 4) The requested data can be provided within the timeframe set forth in the request.
- 5) The request documents that the researcher has qualifications



- 6) The research will not duplicate other research already underway using the same data.
  - 7) Other such conditions relevant to the need for the patient identifying information and the patient's confidentiality rights.
- c) The researcher shall include an assurance that use of data is restricted to the specifications of the protocol. Any departures from the approved protocol must be submitted in writing and approved by the Director prior to initiation. No patient identifying information may be released by a researcher to a third party.
- d) The Department, by signed and reciprocating agreement, may disclose individual patient information concerning residents of another state to the individual's state of residence only if the recipient of such information is legally required to hold such information in confidence and provides protection from disclosure of patient identifying information equivalent to the protection afforded by the Illinois law.
- e) The patient identifying information submitted to the Department by those entities required to submit information under the Act and this Part shall be privileged and confidential and shall not be available for disclosure, inspection or copying under the Freedom of Information Act (Ill. Rev. Stat. 19857, ch. 116, par. 201 et seq.) or the State Records Act (Ill. Rev. Stat. 19857, ch. 116, par. 43.4 et seq.). However, the prohibitions stated in this section shall not apply to that information which is made available under Section 710.40 (a) and (b).
- f) The patient identifying information submitted to the Department by those entities required to submit information under the Act and this Part will be used in the course of medical study under the Section 8-2101 of the Code of Civil Procedure (Ill. Rev. Stat. 19857, ch. 110, par. 8-2101 et seq.). Therefore, this information is privileged from disclosure by the Medical Studies Act.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

- | 1) <u>Heading of the Part:</u> | 2) <u>Code Citation:</u> | 3) <u>Section Numbers:</u>   | 4) <u>Statutory Authority:</u>   | 5) <u>A Complete Description of the Subjects and Issues Involved:</u>   |
|--------------------------------|--------------------------|--|--|---|
| Plumbers                       | 68 Ill. Adm. Code 750    | 750.1000<br>750.1010<br>750.2000<br>750.2010<br>750.2020<br>750.2030<br>750.2040<br>750.3000<br>750.3010<br>750.3020<br>750.3030<br>750.3040<br>750.3050<br>750.3060<br>750.4000<br>750.4010<br>750.4020<br>750.4030<br>750.4040<br>750.4050<br>750.4060<br>750.4070<br>750.4080<br>750.5000 | Repealer<br>Repealer<br>Repealer<br>Repealer<br>Repealer<br>Repealer<br>Repealer<br>Repealer<br>Repealer<br>Repealer<br>Repealer<br>Repealer<br>Repealer<br>Repealer<br>Repealer<br>Repealer<br>Repealer<br>Repealer<br>Repealer<br>Repealer<br>Repealer<br>Repealer<br>Repealer<br>Repealer | Repeal existing rules that currently establish requirements for the activities of the Department and the Illinois State Board of Examiners relating to the licensing of plumbers and apprentice plumbers. |
|                                |                          |  |  | Will this Rulemaking Replace an Emergency Rule Currently in Effect?   |

	Yes	No	X
--	-----	----	---



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED REPEALER7) Does this Rulemaking Contain an Automatic Repeal Date? Yes      No XIf "yes," please specify the date:                     

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes      No XIf "yes," please specify type: 6.02(a) X or 6.02(b)     

9) Are there any other Proposed Amendments Pending on this Part?

Yes      No X

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
-----------------	-----------------	--------------------

10) Statement of Statewide Policy Objectives:

Please specify:

Repeal of these minimum requirements for compliance with the Illinois Plumbing License Law, ch. 111, will pose no imposition on local governments. The proposed rules will assist the Department in administering the Illinois Plumbing License Law and the plumbers examination.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED REPEALER

the Department of Commerce and Community Affairs:

April 17, 1989

B) Type of Small Businesses Affected:

Business which have a licensed apprentice plumber eligible to take the plumbing examination or a small business who has a licensed plumber.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None.

D) Types of Professional Skills Necessary for Compliance:

Licensed individual skilled in the profession of plumbing.

The full text of the Proposed Repealer begins on the next page:



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED REPEALER

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER IV: DEPARTMENT OF PUBLIC HEALTHPART 750  
PLUMBERS

## SUBPART A: GENERAL

Section  
750.1000  
750.1010

Applicability  
Statutory Authority

## SUBPART B: STATE BOARD OF PLUMBING EXAMINERS

Section  
750.2000  
750.2010  
750.2020  
750.2030  
750.2040

Election of Officers  
Duties of Chairman  
Duties of Vice-Chairman  
Quorum  
Meetings

## SUBPART C: APPLICANTS FOR A STATE OF ILLINOIS PLUMBER'S LICENSE

Section  
750.3000  
750.3010  
750.3020  
750.3030  
750.3040  
750.3050  
750.3060

Application for Examination  
Qualifications for Admittance to Examination  
Examination Requirements  
Examination Dates and Locations  
Examination Results  
Failure to Pass  
Expulsion from Examination

## SUBPART D: APPROVAL OF A COURSE OF INSTRUCTION IN PLUMBING

Section  
750.4000  
750.4010  
750.4020  
750.4030  
750.4040  
750.4050  
750.4060  
750.4070  
750.4080

Definitions  
Course of Instruction in Plumbing  
Evaluation of Course of Instruction  
Applications  
Training Facility Evaluation  
Instructors  
Course Credit  
An Approved Course of Instruction in Plumbing  
Admission to the Plumbing License Exam

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED REPEALER

## SUBPART E: HEARINGS

Section  
750.5000

Hearings

AUTHORITY: Implementing Sections 8(3), (6), and (8) of the Illinois Plumbing License Law (Ill. Rev. Stat. 1979, ch. 1107(3), (6), and (8)) and authorized by Sections 16 and 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1979, ch. 127, parts. 16 and 60(7)).

SOURCE: 2 Ill. Reg. no. 40, page 1, effective October 1, 1978; codified at 5 Ill. Reg. 10870.

## SUBPART A: GENERAL

Section 750.1000 Applicability

The Rules shall govern the activities of the Department and the Illinois State Board of Plumbing Examiners relating to the licensing of plumbers and apprentice plumbers.

Section 750.1010 Statutory Authority

These Rules are promulgated under authority of Section 8 of "An Act Relation to the Licensing and Regulation of Plumbers", Illinois Revised Statutes 1985, Chapter 111, Paragraphs 1101.

## SUBPART B: STATE BOARD OF PLUMBING EXAMINERS

Section 750.2000 Election of Officers

At the first regularly scheduled meeting of the Board of Plumbing Examiners in each calendar year, the Board shall elect a Chairman and Vice-Chairman.

Section 750.2010 Duties of Chairman

Duties of the Chairman shall be as follows:

- a) To preside over each plumbing license examination given to applicants for a plumber's license.
- b) To preside over each meeting of the Board.
- c) To assure that a quorum of Board members is present at each meeting of the Board and each plumbing license examination.



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED REPEALER

- d) To assure that at least one member of the Board is present at each hearing held by the Department on the denial, suspension, revocation or reinstatement of plumbing licenses.

## Section 750.2020 Duties of Vice-Chairman

Duties of the Vice-Chairman shall be the same as those of the Chairman in the event of the Chairman's absence.

## Section 750.2030 Quorum

Four (4) members of the Board shall constitute a quorum.

## Section 750.2040 Meetings

- a) If it is necessary to convene a meeting of the Board and/or hold an examination when the Chairman and Vice-Chairman cannot attend, the Board member with the longest tenure on the Board that attends the meeting shall act as Chairman.
- b) The Board shall meet on the first day of each examination as a minimum. Additional meetings may be convened as necessary at the request of the Department.
- c) The Illinois Department of Public Health shall assure that the Board's meeting agenda is prepared; a written record of business conducted at each Board meeting is kept; and the record, files, correspondence and examination data pertaining to the Board of Plumbing Examiners' activities are maintained in good order.
- d) The written record or minutes of each meeting of the Board shall be signed by the Chairman and each Board member present. A copy of the signed record or minutes shall be provided to each Board member.
- e) Records, files, correspondence and examination data pertaining to the Board of Plumbing Examiners shall be filed and secured in the central office of the Department.

## SUBPART C: APPLICANTS FOR A STATE OF ILLINOIS PLUMBER'S LICENSE

## Section 750.3000 Application for Examination

- a) Each person desiring to apply for admittance to the examination for a plumber's license shall file an application for examination on forms provided by the Department. These forms may be obtained by writing to the Illinois Department of Public Health, Division of Environmental Health 552 West Jefferson Street, Springfield, Illinois 62761.

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED REPEALER

- b) A completed application must be filed at least 30 days prior to the examination date. Applications will be accepted if postmarked prior to the 30-day cutoff date.
- c) Each applicant must send with the application the \$50.00 application fee with the exception of out-of-state applicants who must submit \$55.00.

## Section 750.3010 Qualifications for Admittance to Examination

- a) Each applicant must submit evidence that he is a citizen of the United States or has declared his intention to become one.
- b) Each applicant must submit evidence that he has completed at least a two-year course of study in a high school, or an equivalent course of study. An examination applicant shall have sufficient education to read and write the answers to the examination questions and shall understand the plumbing terms used in the Illinois Plumbing Code in regards to the installation or repair of plumbing.
- c) Each applicant must have been an Illinois licensed apprentice plumber for at least four years or have submitted evidence that he has successfully completed an approved course of instruction in plumbing as defined in Article IV. (Subpart D) of these rules.

Applicants for licensing by the Department as an apprentice plumber shall apply on the application form provided by the Department and such application shall verify that the applicant is an employee of an Illinois licensed plumber or person herein authorized to do plumbing in Illinois and contains the name and license number of the person licensed as a plumber in accordance with this Act. Nothing herein contained shall prohibit a person from employing an individual who is at least 16 years of age as an apprentice plumber, such apprentice is licensed by the Department as in apprentice plumber and works under the Illinois licensed plumber who shall also be held responsible for the plumbing work of the apprentice plumber and that such plumbing is in compliance with the Illinois State Plumbing Code.

- d) A currently licensed plumber in another state or municipality must have submitted evidence to the Department in accordance with Rule 4.07 (68 Ill. Adm. Code Section 750.4070) and have said evidence reviewed by the Department and found that the license requirements are substantially equal to the requirements for an Illinois license.

## Section 750.3020 Examination Requirements

- a) The examination for a plumber's license shall consist of the following:



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED REPEALER

- 1) Written questions
  - 2) Drawings and/or charts
  - 3) Practical (shop)- Copper - Plastic - Cast Iron
- b) To facilitate handling an applicant from a country other than the United States who has difficulty with the English language, the Board of Plumbing Examiners may subject such examinee to an oral examination instead of part 1 above. Such examinee must complete parts 2 and 3 as given. The utilization of a bilingualist is recommended in such cases.
- c) The maximum grade value of each part of the examination shall be 100 points. An examinee must make an average of 75 or more in order to successfully pass the examination, provided the examinee who fails to make a grade of 61 or above on any part of the examination, regardless of the average grade, has failed to successfully pass the examination.
- d) No person other than necessary Departmental staff working in the plumbing program, persons utilized as interpreters of foreign languages, and those persons directly associated with the examinee for the transport of necessary equipment, are permitted in the examination area.

## Section 750.3030 Examination Dates and Locations

Examination dates shall be established by the Department and the Board and announced. The location and facilities for the examination shall be selected by the Department and shall be announced at the same time as the examination date. This information may be obtained by writing to the Illinois Department of Public Health, Division of Environmental Health 552 West Jefferson Street, Springfield, Illinois 62761.

## Section 750.3040 Examination Results

The name of each examinee and the results of the examination given to each examinee shall be recorded by written report, and such report shall be signed by the presiding Board chairman and each member in attendance. A copy of the signed report shall be provided to the Director of the Department of Public Health. The results of each exam shall be confidential until announced to the examinee. Upon signature by the Director, the examination results report will be considered final and approved by the Board and Department.

- a) Upon finalization of the examination results, the Department shall, by letter, notify each examinee of the results of his examination.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED REPEALER

- b) The application for examination, fee receipt, examination and all other forms or written material pertaining to an examinee shall be filed in the examinee's file maintained by the Department.
  - c) 1) An examinee may register a written complaint concerning the examination if he/she is dissatisfied with the grade received or the conduct of the examination. Such complaints must be received by the Department within 30 days after notification of the examination results. Complaints must be factual and state what basis is being used by the examinee to allege improper conduct or grading.
  - 2) Upon receipt of a complaint, the examinee will be scheduled for a meeting with the Board at the next scheduled plumbing examination provided, however, the examinee will be provided an opportunity to meet with Department representatives prior to the Board meeting to attempt to resolve the complaint. A record of all such complaints and meetings shall be kept and made part of the examinee's file.
- The examinee shall be entitled to a reexamination if the evidence produced before the Board demonstrates (a) that the examinee was compelled by the Department or the Board to take the test under conditions which placed him at a disadvantage in relation to all other examinee; (b) that Board members or Department staff offered any special assistance to other examinees; or (c) that the examinee's test was not evaluated according to the same standard which was applied to the test of all other examinees.

## Section 750.3050 Failure to Pass

- a) An examinee who fails to pass the examination shall be admitted to a subsequent regularly scheduled exam after filing a new application and fee. Such application and fee shall be submitted in accordance with Rule 3.00 (68 Ill. Adm. Code Section 750.3000).
- b) Examinees who fail to successfully pass the examination for a plumber's license shall retake all parts of the examination. Examinees who retake the examination must comply with Rule 3.02 (68 Ill. Adm. Code Section 750.3020) to successfully pass.
- c) An apprentice plumber who has served an apprenticeship under the supervision/sponsorship of an Illinois Licensed Plumber and has failed the examination three (3) times, may be called before the Department and Board of Plumbing Examiners to determine the quality of training during the apprenticeship period served. The Employer/Sponsor must accompany the apprentice at such hearing.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED REPEALER

## Section 750.3060 Expulsion from Examination

An examinee who is caught cheating during the course of an examination shall be immediately expelled from the examination in progress and shall appear before the Board of Plumbing Examiners and representatives of the Department on the day that such offense occurs. The Board may recommend the examination be declared void and/or a hearing be convened by the Department to suspend the apprentice plumber's license if, by a preponderance of evidence, it is determined that the examinee is guilty of cheating. A written record of the proceedings shall be made and become a part of the examinee's file. The Board shall make as a part of the record their recommendations concerning the disposition of the case to the Department. The Board shall be advised of the final decision of the Department concerning the examinee.

## SUBPART D: APPROVAL OF A COURSE OF INSTRUCTION IN PLUMBING

## Section 750.4000 Definitions

In addition to the definitions contained in the Plumbing License Law, the following definitions apply:

- a) "Course of Instruction in Plumbing" means any training of an individual for a specified time period in the field of plumbing. Such training must include practical and may include classroom, theoretical or any combination thereof.
- b) "An Approved Course of Instruction in Plumbing" means any combination of instruction in plumbing such as classroom, vocational, and apprenticeship training as defined in these regulations which is equivalent to, as a minimum, the training received under the Illinois four-year licensed apprentice plumber program conducted by the Department to inspect and evaluate the work done by licensed apprentice plumbers for compliance with the Illinois State Plumbing Code. Courses of instruction in plumbing will be assigned credit by evaluation under these regulations. Credit hours, equivalent to a total of 5,600 credit hours, as a minimum, must be acquired in order to have completed an approved course of instruction in plumbing.

## Section 750.4010 Course of Instruction in Plumbing

A course of instruction in plumbing shall consist of one or more of the following:

- a) Experience in plumbing by individuals on the job through an apprentice plumbing program, such as the Illinois licensed apprentice plumber program.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED REPEALER

- b) Training received through a vocational or trade school in plumbing when taught by licensed plumbers, persons possessing a teaching certificate in a field related to plumbing (hydraulics, pneumatics, water chemistry, etc.) or persons who have graduated from vocational or trade schools in the field of plumbing. Such training may consist of classroom, laboratory, shop and/or field work.
- c) Training received through military service consisting of schooling and duties performed under qualified instruction.
- d) College or university courses dealing with plumbing, hydraulics, water chemistry, sanitary engineering, fluid mechanics and public health.

## Section 750.4020 Evaluation of Course of Instruction

- a) In order to qualify as a course of instruction in plumbing, and obtain credit hours toward an approved course of instruction in plumbing, education and experience must meet the criteria outlined in Rule 4.01 (68 Ill. Adm. Code Section 750.4010) and be evaluated and approved by the Department. Any person wishing to obtain approval of a course of instruction in plumbing must contact the Illinois Department of Public Health, Division of Environmental Health, 525 West Jefferson Street, Springfield, Illinois 62761, and submit for evaluation documentation verifying course content, time involved, and participation in such courses.
- b) A college, university, trade school or vocational school which has established a program providing for a course(s) of instruction in plumbing may submit an application to the Department requesting approval or recognition of their program as a course(s) of instruction in plumbing or as "an approved course of instruction in plumbing". If a facility requests approval for a complete approved course of instruction in plumbing as defined in Rule 4.07 (68 Ill. Adm. Code Section 750.4070), such instruction must provide for a minimum of 5,600 credit hours. Credit hours will be granted based on the evaluation of the application, instructors and the teaching facility.

## Section 750.4030 Applications

Requests for approval or recognition of a course of instruction in plumbing shall be on forms provided by the Department and shall be submitted in duplicate. Such application forms shall contain complete, descriptive information and specifications pertaining to the proposed program.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED REPEALER

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED REPEALER

## Section 750.4040 Training Facility Evaluation

The Department shall evaluate a training facility prior to the Department's decision to approve or deny an application. The Department shall evaluate a facility subsequent to an approval of such facility to substantiate the ongoing effectiveness of a training program. Such evaluation may be conducted as the result of receipt of complaints; significant failure rates by examinees of the examination from the facility in question; or as a result of changes in curriculum. If the Department's evaluation establishes that the effectiveness of the training program is not satisfactory, approval for credit will be withdrawn in writing. Upon such action the training facility shall have the right to proceed for a hearing under Rule 5.00 (68 Ill. Adm. Code Section 750.000) upon submission of a written report. (Emphasis added).

## Section 750.4050 Instructors

Each instructor participating in a course of instruction in plumbing shall be a licensed plumber, or an individual possessing a teaching certificate in a field related to plumbing (hydraulics, pneumatics, water chemistry, etc.), or an individual who has graduated from a vocational or trade school in the field of plumbing.

## Section 750.4060 Course Credit

- a) If the course submitted for credit by an applicant for the plumbing license examination has already been evaluated and approved by the Department, the applicant need only verify participation in the course. Documentation shall include appropriate copies of W-2 forms verifying employment, time sheets/work records from employers, military records, college transcripts, degrees and/or vocational or trade school transcripts or degrees.
- b) Subjects, training and on-the-job experience essential to a student in plumbing who is under the supervision of a facility which administers and provides a course of instruction in plumbing, should include but is not necessarily limited to the following:
  - 1) Public health and its relationship to plumbing.
  - 2) State of Illinois Plumbing License Law.
    - A) administration and enforcement
    - B) licensing of apprentice plumbers and plumbers
    - C) Plumbing Code requirements
    - D) plumbing inspection
  - 3) Basic principles of plumbing.

- 4) Planning and designing a plumbing system including estimating, installation, repair, maintenance, alteration, extension and dismantling.
- 5) Plumbing materials—fixtures—equipment.
- 6) Joints and connections.
- 7) Traps and cleanouts.
- 8) Interceptors—separators.
- 9) Hangers and supports.
- 10) Indirect waste piping and special wastes.
- 11) Water supply and distribution system—public and private water supply systems.
- 12) Drainage system.
- 13) Private sewage disposal systems, municipal or public sewage disposal systems, and/or sanitary districts.
- 14) Vents and venting systems.
- 15) Inspection and testing of a plumbing system.
- 16) Science of pneumatics and hydraulics as they apply to plumbing.
- 17) Safety devices allied with a plumbing system.
- 18) Hot water systems — water heaters.
- 19) Soldering, welding, caulking and wiping.
- 20) Copper material plumbing system.
- 21) Glass material plumbing system.
- 22) Plastics and thermoplastics material plumbing system.
- 23) Cast iron plumbing system, including Durham system.
- 24) Job safety.
- 25) Use and care of tools and equipment.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED REPEALER

- 26) Handling and disposition of wastes that would damage a plumbing system and sewage disposal facilities.
- 27) Alternate plumbing systems.
- 28) Solar systems.
- 29) Hydro-pumping of wastes.

## Section 750.4070 An Approved Course of Instruction in Plumbing

An approved course of instruction in plumbing shall consist of minimum of 5,600 credit hours, by any combination of credit hours received for courses of instruction in plumbing, or by apprenticeship equivalent to the four-year Illinois apprenticeship as defined in Rule 4.02(a) and (b) (68 Ill. Adm. Code Section 750.4020(a) and (b)). Credit hours shall be granted at the rate of 1,400 hours per year of approved apprenticeship. Upon submittal of satisfactory evidence, credit hours for a course of instruction in plumbing or apprenticeship equivalence shall be granted as follows:

- a) A person who possesses a current plumber's license or expired license in a state or municipality other than Illinois which does not have reciprocity with Illinois may be admitted to the examination for an Illinois plumber's license if he submits a copy of his license and information concerning experience in plumbing equivalent to four years' licensed apprenticeship. Documents verifying licensure and plumbing work will be considered on an hour for hour basis toward meeting the apprenticeship requirement. The licensing state or municipality must verify to the Department that the licensed plumber was tested to obtain his license and that the test consisted of at least three areas (See Section 750.3020) - knowledge of plumbing design, practical or working skill evaluation, and knowledge of plumbing standards applicable to the licensing entities' jurisdiction.

A person who has been licensed as a plumber for five (5) consecutive years in a state or municipality (other than Illinois), that does not have a licensed apprenticeship program, may be admitted to the Illinois plumbing examination upon submission of written documentation and verification of such licensure from the licensing entity, and approval of the Department. A copy of the rules and regulations from the licensing entity pertaining to the licensing of plumbers and apprentice plumbers, must accompany the examination application.

A person from a country outside of the U.S.A., regardless of previous plumbing experience, shall serve at least a minimum of two (2) years' licensed apprenticeship in the U.S.A. before being granted admission to the plumbing examination.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED REPEALER

- b) A person who submits evidence of experience in plumbing through a Licensed/Registered apprentice plumbing program in a state or municipality other than the State of Illinois shall be given credit on an hour for hour basis toward the minimum four years' apprenticeship required. Credit shall be documented by time sheets/work records from employers and W-2 forms.
- c) A person who submits evidence of classroom and/or laboratory training in a vocational or trade school, a branch of the military service, or a college or university shall be given credit hours at the rate of two credit hours for each classroom hour toward the minimum 5,600 credit hours required. Evidence shall consist of transcripts, degrees, military service records and/or certificates of completion.
- d) A person who submits evidence of shop and/or field training as part of a plumbing training program of a vocational or trade school, a branch of the military service, or a college or university shall be given credit hours toward the minimum 5,600 credit hours required. Credit hours shall be given based upon number of hours actually verified as spent in the shop or field times one. Evidence shall consist of transcripts, military service records and/or certificates of a course completion.

## Section 750.4080 Admission to the Plumbing License Exam

Each individual who has been graduated from or who has completed an approved course of instruction in plumbing (as previously outlined, see Section 750.4000 b)), shall be permitted to take the examination given by the Department to applicants for a plumber's license provided that such individual:

- a) Submits an application for examination on the application form provided by the Department;
- b) Pays to the Department the \$50.00 examination fee; (out-of-state applicants \$55.00)
- c) Submits, as part of the application, documents that support the applicant's successful completion of an approved course of instruction in plumbing; and
- d) Such application is approved by the Department.

## SUBPART E: HEARINGS

## Section 750.5000 Hearings

Hearings for persons governed by these rules shall be conducted in accordance with the Administrative Procedure Act, Illinois Revised Statutes, 1987, Chapter 127, Paragraphs 1001-1021.



1) Heading of the Part:

Plumbers Licensing Code

2) Code Citation: 68 Ill. Adm. Code 750

3) Section Numbers:

750.1000 New Section  
750.1010 New Section  
750.2000 New Section  
750.2010 New Section  
750.2020 New Section  
750.2030 New Section  
750.2040 New Section  
750.3000 New Section  
750.3010 New Section  
750.3020 New Section  
750.3030 New Section  
750.3040 New Section  
750.3050 New Section  
750.3060 New Section  
750.3070 New Section

Proposed Action:

4) Statutory Authority:

Illinois Plumbing License Law, Ill. Rev. Stat. 1987, ch. 111, par. 1101 et seq.

5) A Complete Description of the Subjects and Issues Involved:

These proposed rules establish requirements for governing the activities of the Department and the Illinois State Board of Plumbing Examiners relating the licensing of plumbers and apprentice plumbers.

Section 750.1000. These rules govern the activities of the Department and the Illinois State Board of Plumbing Examiners relating to the Licensing of Plumbers.

Section 750.1010. The authority for licensing plumbers is in "An Act" in relation to the licensing and regulation of plumbers.

Section 750.2000-2040. The State Board of Plumbing Examiners shall elect officers, fulfill prescribed duties, and hold meetings at each plumbing examination.

Section 750.3000. All applicants to the plumbing examination must submit an application, be qualified as stated in the Illinois Plumbing License

Law, bring testing materials to the plumbing examination as requested and take the exam at the predetermined date and location. Results of the plumbing examination will be mailed to each examinee. Those caught cheating at the plumbing examination may be subject to exclusion.

Section 750.3010. The plumbing examination will consist of three parts: written questions, drawings and charts, and a practical project. The maximum grade of each part of the examination shall be 100 points. An examinee must make an average of 75 or more to successfully pass.

Section 750.3020. Upon finalization of the examination results, the Department shall by letter notify each examinee of the results of his examination. The examinee shall be entitled to lodge a written complaint concerning the examination, meet with the Department Staff, or with members of the plumbing examiners.

Section 750.3030. An approved course of instruction including time in practical, classroom and theoretical is defined and listed. The method of evaluation by the Department of the training facility, the instructors, and the approved courses, is listed.

Section 750.3040. The type of documentation required to verify participation in a plumbing course or an apprenticeship program is listed.

Section 750.3050. Five ways a licensed plumber may have his license revoked or suspended are listed. These are the loaning of his license, failing to correct plumbing code violations, employing unlicensed individuals to install plumbing, failing to properly train an apprentice, and failing to supervise an apprentice.

Section 750.3060. Hearing for persons governed by these Rules shall be conducted in accordance with the Administrative Procedure Act, Illinois Revised Statutes 1977, ch. 127, par. 1001-1021.

Section 750.3070. Requirements pertaining to plumbing firms, associations, partnerships and corporations are listed.

The proposed rules will not impose additional economic effects on the general or regulated public. The proposed rules are general practice procedure's within the Department. By having such procedures as rules, the licensing of plumbers by the Department will be consistent.

The Department anticipates that this proposed rulemaking will become effective approximately six to nine months, from the date of publication as proposed in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes      No X



## NOTICE OF PROPOSED RULES

- 7) Does this Rulemaking Contain an Automatic Repeal Date? Yes \_\_\_ No X  
If "yes," please specify the date: \_\_\_\_\_
- 8) Does this Rulemaking Contain Any Incorporations By Reference?  
Yes \_\_\_ No X  
If "yes," please specify type: 6.02(a) \_\_\_ or 6.02(b) \_\_\_\_\_
- 9) Are there any other Proposed Amendments Pending on this Part?

Section Numbers	Proposed Action	Ill. Reg. Citation
101.00	Adopted	62 Ill. Reg. 101.00
101.01	Adopted	62 Ill. Reg. 101.01
101.02	Adopted	62 Ill. Reg. 101.02
101.03	Adopted	62 Ill. Reg. 101.03
101.04	Adopted	62 Ill. Reg. 101.04
101.05	Adopted	62 Ill. Reg. 101.05
101.06	Adopted	62 Ill. Reg. 101.06
101.07	Adopted	62 Ill. Reg. 101.07
101.08	Adopted	62 Ill. Reg. 101.08
101.09	Adopted	62 Ill. Reg. 101.09
101.10	Adopted	62 Ill. Reg. 101.10
101.11	Adopted	62 Ill. Reg. 101.11
101.12	Adopted	62 Ill. Reg. 101.12
101.13	Adopted	62 Ill. Reg. 101.13
101.14	Adopted	62 Ill. Reg. 101.14
101.15	Adopted	62 Ill. Reg. 101.15
101.16	Adopted	62 Ill. Reg. 101.16
101.17	Adopted	62 Ill. Reg. 101.17
101.18	Adopted	62 Ill. Reg. 101.18
101.19	Adopted	62 Ill. Reg. 101.19
101.20	Adopted	62 Ill. Reg. 101.20
101.21	Adopted	62 Ill. Reg. 101.21
101.22	Adopted	62 Ill. Reg. 101.22
101.23	Adopted	62 Ill. Reg. 101.23
101.24	Adopted	62 Ill. Reg. 101.24
101.25	Adopted	62 Ill. Reg. 101.25
101.26	Adopted	62 Ill. Reg. 101.26
101.27	Adopted	62 Ill. Reg. 101.27
101.28	Adopted	62 Ill. Reg. 101.28
101.29	Adopted	62 Ill. Reg. 101.29
101.30	Adopted	62 Ill. Reg. 101.30
101.31	Adopted	62 Ill. Reg. 101.31
101.32	Adopted	62 Ill. Reg. 101.32
101.33	Adopted	62 Ill. Reg. 101.33
101.34	Adopted	62 Ill. Reg. 101.34
101.35	Adopted	62 Ill. Reg. 101.35
101.36	Adopted	62 Ill. Reg. 101.36
101.37	Adopted	62 Ill. Reg. 101.37
101.38	Adopted	62 Ill. Reg. 101.38
101.39	Adopted	62 Ill. Reg. 101.39
101.40	Adopted	62 Ill. Reg. 101.40
101.41	Adopted	62 Ill. Reg. 101.41
101.42	Adopted	62 Ill. Reg. 101.42
101.43	Adopted	62 Ill. Reg. 101.43
101.44	Adopted	62 Ill. Reg. 101.44
101.45	Adopted	62 Ill. Reg. 101.45
101.46	Adopted	62 Ill. Reg. 101.46
101.47	Adopted	62 Ill. Reg. 101.47
101.48	Adopted	62 Ill. Reg. 101.48
101.49	Adopted	62 Ill. Reg. 101.49
101.50	Adopted	62 Ill. Reg. 101.50
101.51	Adopted	62 Ill. Reg. 101.51
101.52	Adopted	62 Ill. Reg. 101.52
101.53	Adopted	62 Ill. Reg. 101.53
101.54	Adopted	62 Ill. Reg. 101.54
101.55	Adopted	62 Ill. Reg. 101.55
101.56	Adopted	62 Ill. Reg. 101.56
101.57	Adopted	62 Ill. Reg. 101.57
101.58	Adopted	62 Ill. Reg. 101.58
101.59	Adopted	62 Ill. Reg. 101.59
101.60	Adopted	62 Ill. Reg. 101.60
101.61	Adopted	62 Ill. Reg. 101.61
101.62	Adopted	62 Ill. Reg. 101.62
101.63	Adopted	62 Ill. Reg. 101.63
101.64	Adopted	62 Ill. Reg. 101.64
101.65	Adopted	62 Ill. Reg. 101.65
101.66	Adopted	62 Ill. Reg. 101.66
101.67	Adopted	62 Ill. Reg. 101.67
101.68	Adopted	62 Ill. Reg. 101.68
101.69	Adopted	62 Ill. Reg. 101.69
101.70	Adopted	62 Ill. Reg. 101.70
101.71	Adopted	62 Ill. Reg. 101.71
101.72	Adopted	62 Ill. Reg. 101.72
101.73	Adopted	62 Ill. Reg. 101.73
101.74	Adopted	62 Ill. Reg. 101.74
101.75	Adopted	62 Ill. Reg. 101.75
101.76	Adopted	62 Ill. Reg. 101.76
101.77	Adopted	62 Ill. Reg. 101.77
101.78	Adopted	62 Ill. Reg. 101.78
101.79	Adopted	62 Ill. Reg. 101.79
101.80	Adopted	62 Ill. Reg. 101.80
101.81	Adopted	62 Ill. Reg. 101.81
101.82	Adopted	62 Ill. Reg. 101.82
101.83	Adopted	62 Ill. Reg. 101.83
101.84	Adopted	62 Ill. Reg. 101.84
101.85	Adopted	62 Ill. Reg. 101.85

### 10) Statement of Statewide Policy Objectives:

Please specify: Minimum requirements for compliance with the Illinois Plumbing License Law – Chap. 111. The proposed requirements pose no imposition on local governments but they will assist the Department in administering the Illinois Plumbing License Law and plumbers examination.

11) Time, place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

### 12) Initial Regulatory Flexibility Analysis:

- A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:  
April 17, 1989
- B) Type of Small Businesses Affected:

## NOTICE OF PROPOSED RULES

Businesses which have a licensed apprentice plumber eligible to take the plumbing examination or a small business who has a licensed plumber.

- C) Reporting, Bookkeeping or Other Procedures Required for Compliance:  
None
- D) Types of Professional Skills Necessary for Compliance:  
Licensed individual skilled in the profession of plumbing.

The full text of the Proposed Rules begins on the next page:



TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER IV: DEPARTMENT OF PUBLIC HEALTH

PART 750  
PLUMBERS LICENSING CODE  
SUBPART A: GENERAL

Section  
750.1000  
750.1010

SUBPART B: STATE BOARD OF PLUMBING EXAMINERS

Section  
750.2000 Election of Officers  
750.2010 Duties of Chairman  
750.2020 Duties of Vice-Chairman  
750.2030 Quorum  
750.2040 Meetings

SUBPART C: REQUIREMENTS FOR ADMISSION TO PLUMBING LICENSE EXAMINATION

Section  
750.3000 Requirements for Admission to Plumbing License Exam  
750.3010 Administration of Plumbing License Examination  
750.3020 Examination Results  
750.3030 Evaluation of Course of Instruction  
750.3040 Course Credit  
750.3050 Plumbing License Revocation  
750.3060 Hearings  
750.3070 Supervision and Training Requirements

AUTHORITY: Implementing Illinois Plumbing License Law (Ill. Rev. Stat. 1987, ch. 111, par. 1107(3)) and authorized by Sections 16 and 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, parts. 16 and 60(7)).

SOURCE: 2 Ill. Reg. no. 40, page 1, effective October 1, 1978; codified at 5 Ill. Reg. 10870; repealed and adopted at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: GENERAL  
Section 750.1000 Applicability

This Part shall govern the activities of the Department and the Illinois State Board of Plumbing Examiners relating to the licensing of plumbers and apprentice plumbers.

Section 750.1010 Statutory Authority

This Part is promulgated under authority of the "Illinois Plumbing License Law", Ill. Rev. Stat. 1987, ch. 111, par. 1101 et. seq.

SUBPART B: STATE BOARD OF PLUMBING EXAMINERS

Section 750.2000 Election of Officers

At the first regularly scheduled meeting of the Board of Plumbing Examiners in each calendar year, the Board shall elect a Chairman and Vice-Chairman.

Section 750.2010 Duties of Chairman

Duties of the Chairman shall be as follows:

- To preside over each plumbing license examination given to applicants for a plumber's license.
- To preside over each meeting of the Board.
- To assure that a quorum of Board members is present at each meeting of the Board and each plumbing license examination.
- To assure that at least one member of the Board is present at each hearing held by the Department on the denial, suspension, revocation or reinstatement of plumbing licenses.

Section 750.2020 Duties of Vice-Chairman

Duties of the Vice-Chairman shall be the same as those of the Chairman in the event of the Chairman's absence.

Section 750.2030 Quorum

Five (5) members of the Board shall constitute a quorum.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

## Section 750.2040 Meetings

- a) If it is necessary to convene a meeting of the Board and/or hold an examination when the Chairman and Vice-Chairman cannot attend, the Board member with the longest tenure on the Board that attends the meeting shall act as Chairman.
- b) The Board shall meet on the first day of each examination as a minimum. Additional meetings may be convened as necessary at the request of the Department.
- c) The Illinois Department of Public Health shall assure that the Board's meeting agenda is prepared; a written record of business conducted at each Board meeting is kept; and the record, files, correspondence and examination data pertaining to the Board of Plumbing Examiners' activities are maintained in good order.
- d) The written record or minutes of each meeting of the Board shall be signed by the Chairman and each Board member present. A copy of the signed record or minutes shall be provided to each Board member.
- e) Records, files, correspondence and examination data pertaining to the Board of Plumbing Examiners shall be filed and secured in the central office of the Department.

## Section 750.3000 Requirements for Admission to Plumbing License Exam

- a) Each person desiring to apply for admittance to the examination for a plumber's license shall file an application for examination on forms provided by the Department. These forms may be obtained by writing to the Illinois Department of Public Health, 525 West Jefferson Street, Springfield, Illinois 62761.
- b) A completed application (with a photograph of the face of the applicant at least 1 1/2 inches by 2 1/2 inches) must be filed at least 30 days prior to the examination date. Applications will be accepted if postmarked prior to the 30-day cutoff date and providing the number of applicants has not exceeded the allotted number for the examination. Examination dates shall be established by the Department and the Board. The location and facilities for the examination shall be selected by the Department and shall be announced at the same time as the examination date.
- c) Each applicant must send with the application the \$50.00 application fee with the exception of out-of-state applicants who must submit \$55.00.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- d) Each applicant must have been an Illinois licensed apprentice plumber for at least four years or have submitted evidence that he has successfully completed an approved course of instruction in plumbing as defined in Section 750.3040 (a) and (b) of this Part. An applicant for licensing by the Department as an apprentice plumber shall apply on the application form provided by the Department. The application shall verify that the applicant is an employee of an Illinois licensed plumber and contain the name and license number of the licensed plumber.
- e) Each applicant must submit evidence that he is a citizen of the United States or has declared his intention to become one. (Notarized papers verifying such shall be submitted to the Department).
- f) A person who possesses a current plumber's license or expired license in a state or municipality other than Illinois which does not have reciprocity with Illinois may be admitted to the examination for an Illinois plumber's license if he submits a copy of his license and information concerning experience in plumbing equivalent to four years licensed apprenticeship. Documents verifying licensure and plumbing work will be considered on an hour for hour basis toward meeting the apprenticeship requirement. The licensing state or municipality must verify to the Department that the licensed plumber was tested to obtain his license and that the test consisted of at least three areas (See Section 750.3010) - knowledge of plumbing design, practical or working skill evaluation, and knowledge of plumbing standards applicable to the licensing entity's jurisdiction.
- g) A person who has been licensed as a plumber for five (5) consecutive years in a municipality or state other than the State of Illinois, that does not have a licensed apprenticeship program, may be admitted to the Illinois plumbing examination upon submission of written documentation and verification of such licensure from the licensing entity. A copy of the rules and regulations from the licensing entity pertaining to the licensing of plumbers and apprentice plumbers, must accompany the examination application.
- h) An applicant from a foreign country, who holds a foreign plumbing license, shall serve a two (2) year licensed apprenticeship in Illinois before being granted admission to the plumbing examination.
- i) A person who submits evidence of experience in plumbing through an apprentice plumbing program in a state or municipality other than the State of Illinois shall be given credit on an hour for hour basis toward the minimum four years apprenticeship required. Credit shall be documented by time sheets/work records from employers and W-2 forms.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- j) A person who submits evidence of classroom and/or laboratory training in a vocational or trade school, a branch of the military service, or a college or university shall be given credit hours at the rate of two credit hours for each classroom hour toward the minimum 5,600 credit hours required. Evidence shall consist of transcripts, degrees, military service records and/or certificates of completion. If the course submitted by an applicant for the plumbing license examination has already been evaluated and approved by the Department, the applicant need only verify participation in the course.
- k) Each applicant must submit evidence that he has completed at least a two-year course of study in a high school, or an equivalent course of study.
- l) Each applicant who has served an apprenticeship must be able to establish that he was actively learning by practical experience under the supervision of a licensed plumber. The term of apprenticeship shall be not less than four years (1600 actual working hours per year) to be eligible for admittance to the plumbing exam.
- m) Any applicant who fails to comply with the above requirements or lacks the qualifications will have his application for admittance to the examination denied.

## Section 750.3010 Administration of Plumbing License Examination

- a) The examination for a plumber's license shall consist of the following:
- 1) Written questions (true/false or multiple choice.) Questions will come from the Illinois Plumbing Code or relate to plumbing activities. All applicants shall be required to read the examination questions and write the answers unassisted.
  - 2) Drawings and/or charts. The applicant will be required to finalize charts that show plumbing fixtures and require drainage and vent lines to be indicated.
  - 3) Practical (shop). Projects will be assigned to each applicant requiring copper, cast iron, lead and plastic to be assembled as indicated in the assignment.
- b) An applicant who is handicapped will be assisted with unloading, carrying, and reloading of tools or equipment; but the applicant must take the examination unassisted.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- c) Each applicant will be responsible for providing his own tools and other required material. Each applicant will be advised as to what to bring to the examination.
- d) No persons other than the Board, Department staff, and those persons directly associated with the examinee for the transport of necessary equipment, are permitted in the examination area.
- e) The maximum grade value of each part of the examination shall be 100 points. An examinee must make an average of 75 or more and a grade of 61 or above on each part of the examination to pass.
- f) An examinee who fails to pass the examination shall be admitted to a subsequent regularly scheduled exam after filing a new application and fee. Such application and fee shall be submitted in accordance with Section 750.3000 (a), (b), and (c).
- g) Examinees who fail to pass the examination for a plumber's license shall retake all parts of the examination.
- h) An examinee who is caught cheating during the course of an examination shall be immediately expelled from the examination in progress and shall appear before the Board of Plumbing Examiners and representatives of the Department on the day that such offense occurs. The Board may recommend the examination be declared void and/or a hearing be convened by the Department to suspend the apprentice plumber's license if, by a preponderance of evidence, it is determined that the examinee is guilty of cheating. A written record of the proceedings shall be made and become a part of the examinee's file. The Board shall make as a part of the record its recommendations concerning the disposition of the case to the Department. The Board shall be advised of the final decision of the Department concerning the examinee.

## Section 750.3020 Examination Results

The name of each examinee and the results of the examination given to each examinee shall be recorded by written report, and such report shall be signed by the presiding Board chairman and each member in attendance. A copy of the signed report shall be provided to the Director of the Department of Public Health. The results of each exam shall be confidential until announced to the examinee. Upon signature by the Director, the examination results report will be considered final and approved by the Board and Department.

- a) Upon finalization of the examination results, the Department shall by letter notify each examinee of the results of his examination.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- b) The application for examination, fee receipt, examination and all other forms or written material pertaining to an examinee shall be kept in the examinee's file maintained by the Department.
- c) An examinee may register a written complaint concerning the examination if he is dissatisfied with the grade received or the conduct of the examination. Such complaints must be received by the Department within 30 days after notification of the examination results. Complaints must be factual and state the basis being used by the examinee to allege improper conduct or grading.
- d) Upon receipt of a complaint, the examinee will be scheduled for a meeting with the Board at the next scheduled plumbing examination. The examinee will be provided an opportunity to meet with Department representatives prior to the Board meeting to attempt to resolve the complaint. A record of all such complaints and meetings shall be kept and made part of the examinee's file.
- e) The examinee shall be entitled to a re-examination if the evidence produced before the Board demonstrates (a) that the examinee was compelled by the Department or the Board to take the test under conditions which placed him at a disadvantage in relation to all other examinees; (b) that Board members or Department staff offered any special assistance to other examinees; or (c) that the examinee's test was not evaluated according to the same standard which was applied to the tests of all other examinees. Any errors by the Board or Department, discovered as a result of the review of the examinee's test, shall be corrected.
- f) An apprentice plumber who has served an apprenticeship under the supervision/sponsorship of an Illinois Licensed Plumber and has failed the examination three (3) times, may be called before the Department and Board of Plumbing Examiners to determine the quality of training during the apprenticeship period served. The Employer/Sponsor must accompany the apprentice at such hearing. Failure of the examinee to appear may preclude the applicant's admittance to the next examination. If the employer/sponsor fails to appear, he may be subject to license revocation.

## Section 750.3030 Evaluation of Course of Instruction

- a) A college, university, trade school or vocational school which has established a program providing for a course(s) of instruction in plumbing may submit a letter to the Department requesting approval or recognition of its program or as an approved course of instruction in plumbing. For a facility to be approved as an approved course of instruction in plumbing, its program must provide for a minimum of

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

5,600 credit hours of instruction. Approval will be granted based on the information in the letter, evaluation of the instructors' qualifications, and determination that the teaching facility provides both shop and classroom facilities.

- b) An approved course of instruction in plumbing shall include the following:

- 1) Public Health and its relationship to plumbing;
- 2) State of Illinois Plumbing License Law;
  - A) administration and enforcement;
  - B) licensing of apprentice plumbers and plumbers;
  - C) plumbing code requirements;
  - D) plumbing inspection;
- 3) Basic principles of plumbing;
- 4) Planning and designing a plumbing system including estimating, installation, repair, maintenance, alteration, extension, and dismantling;
- 5) Plumbing materials, fixtures, and equipment;
- 6) Joints and connections;
- 7) Traps and cleanouts;
- 8) Interceptors and separators;
- 9) Hangers and supports;
- 10) Indirect waste piping and special wastes;
- 11) Water supply and distribution system;
- 12) Public and private water supply systems;
- 13) Drainage system;
- 14) Private sewage disposal systems, municipal or public sewage disposal systems, and/or sanitary districts;



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- 15) Vents and venting systems;
  - 16) Inspection and testing of a plumbing system;
  - 17) Sciences of pneumatics and hydraulics as they apply to plumbing;
  - 18) Safety devices allied with a plumbing system;
  - 19) Hot water systems and water heaters;
  - 20) Soldering, welding, caulking, and wiping;
  - 21) Copper material plumbing system;
  - 22) Glass material plumbing system;
  - 23) Plastics and thermoplastics material plumbing system;
  - 24) Cast iron plumbing system, including Durham system;
  - 25) Job safety;
  - 26) Use and care of tools and equipment;
  - 27) Handling and disposition of wastes that would damage a plumbing system and sewage disposal facilities;
  - 28) Alternate plumbing systems;
  - 29) Solar plumbing systems; and
  - 30) Pumping of wastes.
- c) Each instructor participating in a course of instruction in plumbing shall be a licensed plumber or an individual possessing a provisional vocational certificate, issued by the Illinois Board of Education, in a field related to plumbing (such as hydraulics, pneumatics, water chemistry, etc.), or an individual who has graduated from a vocational or trade school in the field of plumbing. Verification of such license or certificate shall be required by the Department. A copy of the instructor's teaching license will establish such verification.
- d) The Department shall evaluate a training facility prior to a decision to approve or deny an application. The Department shall evaluate a facility subsequent to an approval of such facility to substantiate the ongoing effectiveness of the training program. The training facility will be evaluated for the type of tools, condition of tools,

safety devices and ventilation for the discharge of heat, smoke, and fumes. Such evaluation may be conducted as the result of receipt of complaints; significant failure rates by examinees of the examination from the facility in question; or as a result of changes in the curriculum. If the Department's evaluation establishes that the training program is not in compliance with these rules, approval for credit will be withdrawn in writing. Upon such action, the training facility shall have the right to request a hearing. See Section 750.3060.

## Section 750.3040 Course Credit

- a) If the course claimed for credit by an applicant for the plumbing license examination has already been evaluated and approved by the Department, the applicant need only verify participation in the course. Documentation shall include appropriate copies of W-2 forms verifying employment, time sheets/work records from employers, military records, college transcripts, degrees and/or vocational or trade school transcripts or degrees.

## Section 750.3050 Plumbing License Revocation

- a) Any licensed plumber who permits his name or plumbing license number to be used to indicate he is a member of an association, partnership or corporation, and evidence indicates he is not actively participating in plumbing activities of the association, partnership or corporation shall be subject to license revocation.
- b) Any licensed plumber who refuses to correct plumbing code violations as requested by the Department, or continues to install plumbing in violation of Plumbing Code requirements shall be subject to license revocation.
- c) Any licensed plumber who employs individuals to install plumbing and fails or refuses to license them as an Illinois Apprentice Plumber, shall be subject to license revocation.
- d) Any licensed plumber who fails to adequately train apprentices under his employment or supervision in a manner qualifying them to pass the Plumbing License examination shall be subject to license revocation. See Section 750.3020(f).
- e) Any licensed plumber who sponsors an apprentice and the apprentice plumber is not under the direct supervision or employment of that plumber, shall be subject to license revocation.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

## Section 750.3060 Administrative Hearings

Administrative Hearings for persons under this part shall be conducted in accordance with Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

## Section 750.3070 Requirements Pertaining to Plumbing Firms

- a) At least one member of every firm, association or partnership engaged in plumbing work, and at least one corporate officer of every corporation engaged in plumbing work, shall be a licensed plumber.
- b) When requested by the Department, documentation shall be submitted showing the current status and position of the licensed plumber, and shall be signed by the president of a firm or association, by a general partner of a partnership, and by the secretary of the board of directors of a corporation. Documentation acceptable to the Department includes the following:

- 1) Corporations: Minutes of the meeting of the board of directors during which a licensed plumber was appointed to fill a corporate office provided for in the by laws of the corporation. By-Laws of the corporation must be submitted in addition to minutes if the licensed plumber is appointed to any corporate office other than president, vice-president, secretary or treasurer.
- 2) Partnerships: A copy of the written partnership agreement. If the written partnership agreement has been executed, a letter describing the partnership, business activities of the partnership, local business licenses, and the status of the licensed plumber within the partnership.
- 3) Firms and Associations: A letter describing the form of business, general business activities, local business licenses, and the status of the licensed plumber within the firm or association. A firm or association which is doing business as a corporation or partnership shall comply with Section 750.3070 (a) and (b).

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part:

Retail Food Store Sanitation Code

2) Code Citation:

77 Ill. Adm. Code 760

3) Section Numbers:

760.30  
Appendix A

Proposed Action:

New Section  
New Section

4) Statutory Authority:

Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1987, ch. 56 1/2, pars. 501 et. seq.); "AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof" (Ill. Rev. Stat. 1987, ch. 56 1/2, pars. 67 et. seq.); Section 21 of the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 521); and Section 11.1 of "AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof" (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 77.1).

5) A Complete Description of the Subjects and Issues Involved:

The Department proposes that the written inspection report, informing the operator of a retail food store of the inspector's findings, be fairly uniform across the State and that the operator has a clear understanding of the Department's authority to inspect the facility.

The economic impact of this proposed amendment on regulated establishments is unknown. Inspections are currently performed on a periodic basis and the inspection form to be incorporated in the rule has been utilized for several years.

It is anticipated that this rule will be adopted by August 1, 1989.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒



## ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 7) Does this Rulemaking contain an Automatic Repeal Date? Yes      No X
- 8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes      No X

- 9) Are there any other Proposed Amendments Pending on this Part?

Yes      No XStatement of Statewide Policy Objectives:

This proposed rulemaking neither creates nor expands a State mandate as it pertains to inspectional authority. The proposed rule pertaining to reporting the inspection findings at a food establishment would promote uniformity in the reporting procedure, which also does not create a State mandate, but clarifies the reporting requirement.

- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

- 12) Initial Regulatory Flexibility Analysis:

- A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

April 24, 1989

- B) Type of Small Businesses Affected:

No additional requirements for small businesses is created.

- C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

No additional requirements for small businesses is created.

## ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- D) Types of Professional Skills Necessary for Compliance:

No additional requirements for small businesses is created.

The full text of the Proposed begins on the next page:



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

## PART 760

## RETAIL FOOD STORE SANITATION CODE

## SUBPART A: GENERAL PROVISIONS

## SECTION

Purpose
760.10 Incorporated Materials
760.15 Definitions
760.20 Inspections and Inspection Report

## SUBPART B: FOOD

## SECTION

760.100 General - Food Supplies
760.110 Special Requirements for Food Supplies
760.120 General - Food Protection
760.130 Emergency Occurrences
760.140 General - Food Storage
760.150 Refrigerated/Frozen Storage
760.160 Hot Storage
760.165 Damaged Food Containers
760.170 General - Food Preparation
760.180 Preparing Raw Fruits and Raw Vegetables
760.190 Cooking Potentially Hazardous Foods
760.200 Bakery Product Fillings
760.210 Reheating
760.220 Food Product Thermometers
760.230 Thawing Potentially Hazardous Foods
760.240 Displaying Potentially Hazardous Foods
760.250 Displaying Frozen Foods
760.260 Food Display
760.270 Dispensing Utensils
760.280 Food Sample Demonstrations and Food Promotions
760.290 General - Food Transportation by the Retail Food Store

## SUBPART C: PERSONNEL

## SECTION

760.400 General - Employee Health
760.410 General - Personal Cleanliness

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART D: EQUIPMENT AND UTENSILS

## SECTION

760.420 General - Clothing
760.430 General - Employee Practices
760.500 General - Materials
760.510 Solder
760.520 Wood
760.530 Plastics and Rubber Materials
760.540 Cutting Surfaces
760.550 Single-Service Articles
760.560 General - Design and Fabrication
760.570 Accessibility
760.580 Cleaned in Place (CIP)
760.590 Food Product Thermometers
760.600 Non-Food-Contact Surfaces
760.610 Ventilation Hoods
760.620 Maintenance of Equipment and Utensils
760.630 General - Equipment Installation and Location
760.640 Table-Mounted Equipment
760.650 Floor-Mounted Equipment
760.660 Aisles and Working Spaces

SUBPART E: CLEANING, SANITIZATION,  
AND STORAGE OF EQUIPMENT AND UTENSILS

## SECTION

760.700 Cleaning Frequency
760.710 Wiping Cloths
760.720 Manual Cleaning and Sanitizing
760.730 Mechanical Cleaning and Sanitizing
760.740 Drying
760.750 Retail Food Stores Without Equipment and Utensil Cleaning Facilities
760.760 Equipment and Utensil Handling
760.770 Equipment and Utensil Storage
760.780 Single-Service Articles Handling and Storage
760.790 Prohibited Storage Areas

## SUBPART F: SANITARY FACILITIES AND CONTROLS

## SECTION

760.900 General - Water Supply
760.910 Water Delivery
760.920 Water Under Pressure
760.930 Steam
760.940 General - Sewage
760.950 General - Plumbing



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

760.960 Nonpotable Water System  
 760.970 Backflow  
 760.980 Grease Traps  
 760.990 Garbage Grinders  
 760.1000 Drains  
 760.1010 Toilet Installation  
 760.1020 Toilet Design  
 760.1030 Toilet Rooms  
 760.1040 Toilet Facility Maintenance  
 760.1050 Handwashing Facility Installation  
 760.1060 Handwashing Facility Faucets  
 760.1070 Handwashing Supplies  
 760.1080 Handwashing Facility Maintenance  
 760.1090 Garbage and Refuse Containers  
 760.1100 Garbage and Refuse Container Storage  
 760.1110 Garbage and Refuse Disposal  
 760.1120 General - Insect and Rodent Control  
 760.1130 Openings to be Protected Against Entry of Rodents and Insects

SUBPART G: CONSTRUCTION AND MAINTENANCE  
 OF PHYSICAL FACILITIES

SECTION  
 760.1200 Floor Construction  
 760.1210 Floor Carpeting  
 760.1220 Prohibited Floor Covering  
 760.1230 Mats and Duckboards  
 760.1240 Utility Line Installation  
 760.1250 Wall and Ceiling Maintenance  
 760.1260 Wall and Ceiling Construction  
 760.1270 Exposed Construction of Walls and Ceilings  
 760.1280 Utility Line Installation in or on Walls and Ceilings  
 760.1290 Attachments to Walls and/or Ceilings  
 760.1300 Wall and Ceiling Covering Material Installation  
 760.1310 General - Cleaning Physical Facilities  
 760.1320 Service Sinks for Cleaning  
 760.1330 General - Lighting  
 760.1340 Protective Light Shielding  
 760.1350 General - Ventilation  
 760.1360 Dressing Rooms and Areas  
 760.1370 Locker Areas  
 760.1380 Poisonous or Toxic Materials Permitted  
 760.1390 Labeling of Poisonous or Toxic Materials  
 760.1400 Storage of Poisonous or Toxic Materials  
 760.1410 Use of Poisonous or Toxic Materials  
 760.1420 Storage and Display of Poisonous or Toxic Materials for Retail Sale  
 760.1430 First-Aid Supplies and Personal Medications  
 760.1440 General - Premises

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

760.1450 Living Areas  
 760.1460 Laundry Facilities  
 760.1470 Linens and Work Clothes Storage  
 760.1480 Cleaning Equipment Storage  
 760.1490 Animals

SUBPART H: NEW FACILITIES AND EXISTING  
 EQUIPMENT AND FACILITIES

SECTION  
 760.1600 New Facilities  
 760.1610 Existing Equipment and Facilities

SUBPART I: TEMPORARY RETAIL FOOD STORES

SECTION  
 760.1700 General - Temporary Retail Food Stores  
 760.1710 Restricted Operations  
 760.1720 Wet Storage  
 760.1730 Waste Disposal  
 760.1740 Handwashing  
 760.1750 Floors  
 760.1760 Ceilings

Appendix A Retail Food Sanitary Inspection Report

AUTHORITY: Implementing the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1987, ch. 56 1/2, pars. 501 et. seq.) and "AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof" (Ill. Rev. Stat. 1987, ch. 56 1/2, pars. 67 et. seq.) and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 521) and Section 11.1 of "AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof" (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 77.1).

SOURCE: Adopted September 16, 1968; old rules repealed and new rules adopted and codified at 7 Ill. Reg. 1382, effective January 25, 1983; amended at 11 Ill. Reg. 2440, effective February 1, 1987; amended at 11 Ill. Reg. 18743, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 14391, effective September 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17935, effective December 1, 1988; amended at 13 Ill. Reg. 1830, effective January 30, 1989; amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS  
SUBPART A: GENERAL PROVISIONS

## SUBPART A: GENERAL PROVISIONS

## Section 760.30 Inspections and Inspection Report

- a) All retail food stores are subject to inspection at all times.
- b) The operator of the retail food store shall receive a written report from the health authority at the end of any inspection. The inspection findings shall be reported on the "Retail Food Sanitary Inspection Report", Form IL 482-0200 (See Appendix A) or on a report form substantially similar which, includes at a minimum, the same information and addresses all forty-five (45) items.
- c) All forty-five (45) items on the inspection report shall be addressed and rated in accordance with the Illinois Retail Food Store Sanitation Code, 77 Ill. Adm. Code 760.
- d) An alternate scoring system, as approved by the Director and which evaluates all aspects of the Illinois Retail Food Store Sanitation Code, may be substituted for the current scoring system of 100 points minus debit points. This may include systems, for example, where each violation rather than each item is assigned a weight, where an additional point value is debited for lack of the required certified food service manager, if applicable, where critical violations carry a larger than usual point value because of inherent risk, where separate scoring systems are instituted for critical and non-critical violations, or other effective methods which assist the inspector in making an evaluation of the sanitation level in the food establishment.

(Source: Added at 13 Ill. Reg. ... , effective ... )

☐ Food Service Establishment  
☐ Retail Food Store  
☐ Temporary  
☐ Mobile

Illinois Department of Public Health  
 Division of Food, Drugs and Dairies  
 525 West Jefferson Street, Springfield, IL 62761  
 Phone: (217) 85-2439

RETAIL FOOD SANITARY INSPECTION REPORT

Establishment Number \_\_\_\_\_ Telephone \_\_\_\_\_

☐ Original Inspection  
☐ Follow-up Inspection  
☐ Other

Name of Establishment \_\_\_\_\_ Omar/Agent \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ Zip Code \_\_\_\_\_

Item #	Item Description	Inspection Results		Remarks	Inspector's Signature	Date
		Pass	Fail			
1	General appearance, no sewage					
2	Food protection					
3	Food protection					
4	Food protection					
5	Food protection					
6	Food protection					
7	Food protection					
8	Food protection					
9	Food protection					
10	Food protection					
11	Food protection					
12	Food protection					
13	Food protection					
14	Food protection					
15	Food protection					
16	Food protection					
17	Food protection					
18	Food protection					
19	Food protection					
20	Food protection					
21	Food protection					
22	Food protection					
23	Food protection					
24	Food protection					
25	Food protection					
26	Food protection					
27	Food protection					
28	Food protection					
29	Food protection					
30	Food protection					
31	Food protection					
32	Food protection					
33	Food protection					
34	Food protection					
35	Food protection					
36	Food protection					
37	Food protection					
38	Food protection					
39	Food protection					
40	Food protection					
41	Food protection					
42	Food protection					
43	Food protection					
44	Food protection					
45	Food protection					
46	Food protection					
47	Food protection					
48	Food protection					
49	Food protection					
50	Food protection					
51	Food protection					
52	Food protection					
53	Food protection					
54	Food protection					
55	Food protection					
56	Food protection					
57	Food protection					
58	Food protection					
59	Food protection					
60	Food protection					
61	Food protection					
62	Food protection					
63	Food protection					
64	Food protection					
65	Food protection					
66	Food protection					
67	Food protection					
68	Food protection					
69	Food protection					
70	Food protection					
71	Food protection					
72	Food protection					
73	Food protection					
74	Food protection					
75	Food protection					
76	Food protection					
77	Food protection					
78	Food protection					
79	Food protection					
80	Food protection					
81	Food protection					
82	Food protection					
83	Food protection					
84</						

[illegible]

Received by/tile: \_\_\_\_\_ (Signature of Owner or representative)  
Sanitation Score \_\_\_\_\_ (100 Minus Demerits) Date \_\_\_\_\_  
Time in \_\_\_\_\_ Time Out \_\_\_\_\_ By \_\_\_\_\_ (Sanitarian)  
Drop \_\_\_\_\_ of \_\_\_\_\_  
Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Standards for Award of Grants Elementary and Secondary Schools Capital Assistance Program

2) Code Citation: 71 Ill. Adm. Code 40

3) Section Number: 40.130  
Adopted Action:  
Amendment

4) Statutory Authority: Implementing the Capital Development Board Act and authorized by Sections 1A-11 of that Act (Ill. Rev. Stat. 1987, ch. 127, par. 771 et seq. and 783.11).

5) Effective Date of Amendments: April 24, 1989

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendments contain incorporations by reference? No  
If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking?

8) Date Filed in Agency's Principal Office: April 24, 1989

9) Notice of Proposal Published in Illinois Register: 13 Ill. Reg. 1283; February 3 1988.

10) Has JCAR issued a Statement of Objections to this rule? No

A) Statement of Objection: \_\_\_\_\_, Ill. Reg. \_\_\_\_\_  
(issue date)

B) Agency Response: \_\_\_\_\_, Ill. Reg. \_\_\_\_\_  
(issue date)

C) Date Agency Response Submitted for Approval to JCAR:

11) Difference between proposal and final version:

A) The main source has been changed to reflect Volume 13 and punctuation corrected.

B) In Section 40.130(b)(6)(B), the Section and title of the Act has been added to which the statutory citation corresponds and statutory citation changed to reflect the 1987 edition. Deleted the words "state law" in line 9 of this section.

C) In Section 40.130(b)(6)(F)(ii) added the Section and title of the Act and corrected the citation to the right format. Deleted the hyphen in the word "non-compliance."

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

D) In subsection (b)(6)(F)(iii), corrected the code citation so that it reads as follows: 23 Ill. Adm. Code: Subtitle A, Chapter I.

E) In subsection (b)(9)(C) and (D), changed subparagraphs to subsections.

F) In subsection (b)(9)(F), moved the list of maximums to the right 1/2 inch.

G) In Section 40.130(b)(9)(G) deleted the word shall in the third sentence.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: Language has been added to allow the Capital Development Board to approve a variance in the site size and configuration requirements for a school being constructed under the Capital Assistance Program. The local school board requesting the variance must certify the variance will not place the facility in noncompliance with educational program standards or federal laws or regulations. The request must be supported by a certification from the State Board of Education.

16) Information and questions regarding this adopted amendment shall be directed to:

Fredrick W. Hahn, Legal Advisor  
Capital Development Board  
401 South Spring Street  
Springfield, IL 62706  
Telephone 217/785-4250

The full text of the Adopted Amendment begins on the next page:



## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY  
 CHAPTER 1: CAPITAL DEVELOPMENT BOARD  
 SUBCHAPTER a: RULES

PART 40  
 STANDARDS FOR AWARD OF GRANTS ELEMENTARY AND SECONDARY SCHOOLS CAPITAL ASSISTANCE PROGRAM

Section	General Statement
40.110	Planning Assistance Grants
40.120	Construction Grants
40.130	Debt Service Grants

AUTHORITY: Implementing the Capital Development Board Act and authorized by Section 1A-11 of that Act (Ill. Rev. Stat. 1987, ch. 127, par. 771 et seq. and 783.11).

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20342, effective October 1, 1984; amended at 9 Ill. Reg. 17345, effective October 29, 1985; amended at 13 Ill. Reg. 6973, effective April 24, 1989.

## Section 40.130 Construction Grants

Prior to the award of a construction grant, school districts shall meet the following requirements:

## a) Program Statements

Program Statements must be submitted to the Board for proposed facilities and sites requiring Capital Assistance Program (CAP) funding. Program Statements must conform to the CAP Guidelines for Program Statements as developed by the Board and which will address, but not be limited to, the following:

- 1) Project Rationale
- 2) The Community
- 3) Education Plan
  - A) Curriculum plan
  - B) Instruction method
  - C) Support plans
- 4) Activity Areas
- 5) General Building Considerations
- 6) Site Analysis
- 7) Spatial Relationships

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 8) Spatial Measurements
- 9) Cost Estimates and Funding Sources
- 10) Time Schedule of Major Events

## b) Standards for School Site Selection and Approval

- 1) The local school board shall select the sites for all new projects subject to the determination of the Board that the proposed site meets all minimum engineering and construction standards or requirements.
- 2) The Board will not approve a new site until the applicant district has informed the chief executive officer of the local government unit within whose jurisdiction the proposed site lies and has obtained any necessary approval of the district's plans as they may affect or be affected by the plans and policies of the local government.
- 3) Equal Educational Opportunity
 

The proposed site must support legitimate efforts to eliminate and prevent segregation in schools because of race, religion, sex or national origin. The placement of the school must, at minimum, be approved by the State Board of Education in this respect.
- 4) Suitability for Development and Construction
  - A) The site must be free of physical structures, topographical features or subsurface physical conditions that would preclude necessary construction, present insurmountable obstacles to safety or normal utilization, shorten building life, cause excessive delays in project completion, or cause costs to exceed the funds available. "Necessary construction" shall include but not necessarily be limited to: buildings, utility lines, storm water disposal arrangements and paving. The local district shall provide a report, acceptable to the Board, on soil conditions based on the removal of soil for testing. The cost to the local school district of the soil test and report of that test shall be considered as a credit to the local share of the recognized project cost if the site is approved and a grant award is made.
  - B) The site must not be subject to existing or foreseeable, harmful or disruptive environmental hazards and nuisances. Such hazards and nuisances may include, but are not



## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

necessarily limited to: excessive dust, smoke, noise, odors, air pollutants, floods, ground water incursions, vibrations, explosions, and electrical discharges.

## 5) Availability of Site

A) The local district shall have a period of 150 days from the time of grant award to acquire title to the site, or rights of use and exclusion sufficient to carry out the purposes and programs of the school. Such time period may be extended for 60 days by the Executive Director. Any further extension must be approved by the Board. Extensions will be granted in those cases in which there is a reasonable expectation that the district will be able to acquire the site within the period of the extension and the delay has been occasioned by a condition beyond the control of the district, such as a delay in acquiring a title commitment.

B) A grant will not be awarded until the Board has had a reasonable opportunity to enter upon the site, inspect it in detail, and conduct whatever site tests are deemed necessary to establish the suitability of the site for school purposes.

C) The Board will not approve a site unless its development and use for the proposed school is in compliance with local zoning laws, or unless action has been taken to bring variation of same into compliance.

D) When street vacations, utility relocations, or such action will be required prior to start of construction, the local district must present documentation that such actions will be approved by the responsible local governmental units before the Board will approve the site.

## 6) Site Size and Configuration

A) The proposed site must contain usable space sufficient in size and of regular configuration so as to accommodate the school's on-site program as well as to accommodate ancillary functions that are better served on-site than off-site, such as parking, bus loading and unloading, casual student assembly and play, and pedestrian movement between different points on the site.

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

B) The school's on-site program shall be defined to include the school's instructional program and any other activities and events the applicant school district plans to conduct on the site. The applicant may tailor its on-site program to fit the site proposed, but the Board will not approve a site that is insufficient to accommodate a program that is standard for the district as a whole, nor will the Board approve a site that does not permit full compliance with program standards as embodied in state law Section 2-3.25 of the School Code (Ill. Rev. Stat. 1983, ch. 122, par. 2-3.25) and determined by the State Board of Education. Determination of the adequacy of the site's space in terms of the number of students shall be based on the design capacity of the school building.

## C) Space for Buildings

In addition to those portions of the site required for other purposes, there must be a portion or portions of the site that are of such size, shape and physical quality that they are sufficient to accommodate the buildings that would be required by the maximum design enrollment of the school. This "building reserve" must be at least sufficient in ground area to provide for gross floor space, as set forth in the section on space standards for new construction, Section 40.130(b)(6)(D). For facilities with more than one floor the "building reserve" must be at least sufficient in ground area to provide for one-half the gross floor space.

## D) Non-Building Space

i) At a minimum, the site must provide the following amounts of space (in addition to that reserved for buildings to meet "Special Requirements" as defined in Section 40.130(b)(6)(E) following) of a shape, character and location that they can readily be improved to provide areas suitable for physical education and recreation, any planned accommodation of vehicles, and the accommodation of outdoor access, circulation and evacuation:

## Minimum Usable Area for Non-Building Needs

School Grades	Sq. Ft. Student	Acres	Sample Enrollments
200	500	1000	2000
3000			

K-6	113	.52	1.30	2.59
-----	-----	-----	------	------



## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

7-9	143	1.64	3.28	6.57
10-12	195	4.48	8.95	13.43

ii) For additions to existing schools, the addition should not be planned on existing open space and/or playground area of existing schools, unless it can be demonstrated that the construction of the addition will not reduce the amount of space necessary to fulfill the program and provide adequate recreational space.

iii) In those instances where a combination of the above minimum area requirements results in a total minimum requirement less than 1.5 acres, 1.5 acres shall be considered the minimum acceptable acreage.

## E) Special Requirements

The above are minimums for usable area. However, irrespective of these minimums the site must be of sufficient size to provide for the following needs as indicated:

## i) Space for Outdoor On-Site Program

There must be a portion or portions of the site, in addition to those reserved for other purposes, that are of such size, shape and physical character that they can be readily improved to accommodate the safe conduct of the outdoor portions of the on-site school program. The site must permit the safe conduct of a physical education program that meets district standards, taking into account the varying physical capacities of students, types and amounts of activities in the physical education program, and the daily and yearly time schedule of the school.

## ii) Accommodation of Vehicles

There must be portions of the site, in addition to those necessary for other purposes, that are of such size, shape, physical quality and location that they can provide spaces for vehicles as indicated below without contravening local zoning ordinances: safe loading and unloading areas for school buses, where areas are necessary to the safety of students from street traffic; secure and convenient parking spaces

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

for staff, visitors, and students in conformance with district policies; and safe accommodation of delivery and service vehicles involved in serving the school.

## iii) Access, Circulation, Evacuation Assembly

There must be portions of the site of such size, shape, physical quality and location that they can be improved to provide: unobstructed exterior avenues of escape from the exits of all proposed buildings and the areas adjacent to buildings in the event that evacuation is necessary; safe and convenient circulation by students between and among the building(s) and outdoor activity areas of the site; safe accommodation for the unsupervised outdoor assembly of students and their pastimes before school, after school, at lunch breaks and at recesses; safe accommodation of the outdoor assemblies of students and spectators occasioned by school-sponsored spectator events to be held on the site.

## F) Variance of Site Size and Configuration

The Board will approve a proposed site which does not meet the minimum requirements of Section 40.130(b)(6)(A)-(E) when all the following criteria have been met:

i) The local school board petitions the State Board of Education and the Board for a variance from the minimum requirements of Section 40.130(b)(6)(A)-(E) stating with specificity the reasons for such variance.

ii) The local school board certifies to the Board that the requested variance will not place the facility in noncompliance with the educational program standards as described in Section 2-3.25 of the School Code (Ill. Rev. Stat. 1987, ch. 122, par. 2-3.25) or with any federal laws or regulations.

iii) The State Board of Education certifies to the Board that the variance complies with all educational program standards of the State Board of Education as described in 23 Ill. Adm. Code: Subtitle A, Chapter I and the State Board of Education identifies in its



## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

certification which of the minimum requirements is to be varied and to what extent.

## 7) Utilities and Services

## A) Water Supply

Water must be available at the site in sufficient volume and delivery rates and of appropriate quality to serve the firefighting needs of the proposed school as well as to accommodate other forms of water consumption.

## B) Sanitary Sewage Disposal

The location or character of the site must not prevent the disposal of sanitary sewage from the school.

## C) Storm Water Disposal

The location or character of the site must not prevent the disposal of storm water from the school.

## D) Electric, Power, Telephone, Gas

The site must present no obstacles to the provision of electric power, telephone services, and whatever gas service the school may require at the point in the construction process when utility hook-ups are made.

## E) Solid Waste Management Systems

Solid waste management services must be available to the site.

## 8) Architect-Engineer Selection.

The selection of an architect-engineer shall be in accordance with 44 Ill. Adm. Code 1000.110. Grants will not be awarded to local school districts which have contracted with an architect or engineer unless the selection of the architect or engineer has been previously approved by the Board.

## 9) State and Local Financial Participation in School Construction Projects.

## A) Determination of Recognized Project Cost

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

i) Recognized project cost shall include unit cost (\$/sq.ft.) as follows: buildings constructed to the five foot line, design and construction contingencies, building fixed equipment; plus additional associated costs as deemed appropriate by the Board in consultation with local school districts as follows: site improvements including related A/E fees and reimbursements, land acquisition and associated legal fees for the project site acquired, movable equipment, and utility service lines, both on-site and off-site, and special foundation construction and related A/E fees deemed necessary as a result of unusual sub-surface soil conditions.

ii) The Board shall establish unit cost limitations for elementary, secondary and vocational school construction based upon periodic review and revision of maximum cost per gross square foot allowances.

## B) Space Standards for New Construction

i) New schools with adequate space for all necessary instructional and ancillary activities require more space per students than additions to existing schools. Different space standards are required to accommodate different grade levels, i.e., K-6, 7-9, and 10-12. Economies of scale in terms of space per student can be anticipated for larger schools. New construction should involve no less than the gross space allowance for 180 elementary students, 200 junior high students, or 450 senior high students, except under unusual circumstances.

ii) The following maximum standards are established for the determination of the State share of the recognized project cost in connection with a construction grant:

New Elementary School K-6

Gross sq. footage per student 76

Gross sq. footage per additional student beyond 240 students 62



CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

New Junior High School 7-9

Gross sq. footage per student 120

Gross sq. footage per additional student beyond 400 students 100

New High School 9-12

Gross sq. footage per student 140

Gross sq. footage per additional student beyond 600 students 110

C) For new additions to existing buildings total projects should be planned for not less than the gross space allowance for 150 students. Multiple sites may be considered, but for no less than 50 students at any one site. Space standards for additions should not exceed those for new buildings as detailed in subparagraph subsection (B) above. Unless a variance is granted by the Board based on evidence of projected enrollments and space needs presented by the user agency, space standards should equal those set forth in subparagraph subsection (B) above for additional students beyond the base numbers of 240 students for elementary, 400 students for junior high and 600 for new high schools. Applications from school districts over 500,000 inhabitants should be limited to those projects planned for new construction or large additions (over 450 pupils) for the project year.

D) The recognized project cost for remodeling/ rehabilitation projects must be developed on an individual basis with space per student not to exceed standards set for construction of building additions as set forth in subparagraphs subsections (B) and (C) above, and unit costs not to exceed standards for new construction as established from time to time by the Board.

E) Premises for Space Standards

- i) All necessary types of space shall be included for freestanding schools.

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

- ii) An average space-per-student can be derived from space type need by level: elementary, junior high and high school.
- iii) Space needs for additions to existing schools may be less than needs for freestanding schools.
- iv) A building efficiency (net assignable space to total space) of 65% is the acceptable minimum.
- v) Unit costs (\$/sq.ft.) used for determining the recognized project cost, including A/E design fees, building construction to the five foot line, fixed equipment, associated legal fees and a contingency shall be no greater than those unit costs established from time to time by the Board. Said unit costs are determined as needed and are established by resolution of the Board. In establishing unit costs the Board members shall be guided by current costs within the construction industry and the goal of receiving fair value for public funds expended.

F) Limits on CAP Participation and Site Cost

Districts will not receive Board assistance or credit for acreages beyond the following maximums:

- Elementary - 5 acres plus 1 acre per 100 students,
- Junior High - 20 acres plus 1 acre per 100 students,
- and
- High School - 30 acres plus 1 acre per 100 students.

G) The State and local share of the recognized project cost shall be computed by multiplying the recognized project cost by the Grant Index. Local districts must provide the district share of the recognized project cost through bond referendum or other means within 90 days of the grant award by the Board. Such period shall may be extended by the Executive Director for a maximum period of 30 days if the district demonstrates that appropriate steps have been taken to obtain the district's share of the recognized project cost and that an additional 30 days is necessary to complete the process. Local school districts are urged to begin referendum proceedings upon grant entitlement by the State Board of Education.



## ILLINOIS REGISTER

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

- H) The district share of the recognized project cost shall be placed in a local trust account pursuant to 71 Ill. Adm. Code 30.
- I) School districts may add to a project cost beyond the recognized project cost with local district funds. Funds for such project supplements must be deposited in inviolable trust accounts.
- J) To insure that State funds are applied only to the recognized project cost, the percentage of the architect's design estimate, by trade, will be applied to the bids to determine the portion representing the recognized and supplemental project cost. The actual recognized project cost as derived from the above bidding will be multiplied by the grant index to determine the final dollar amounts to be paid by the State and local school districts. The supplemental project cost will be paid by the local school district as specified in subparagraph subsection (I) above. Any savings realized in bidding shall be equitably distributed between the State and the local school district.

(Source: Amended at 13 Ill. Reg. 6973, effective April 24, 1989)

## ILLINOIS REGISTER

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Administration and Funding of Community-Based Services to Youth
- 2) Code Citation: 89 Ill. Adm. Code 334
- 3) Section Numbers: Adopted Action  
334.11 Amendments  
334.12 Amendments  
334.13 Amendments
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 23, pars. 5005, 5017 through 5017a-9.
- 5) Effective Date of Amendments: May 15, 1989
- 6) Does this rulemaking contain an automatic repeal date: Yes ☐ No ☒  
If so, please specify date:
- 7) Do these amendments contain incorporations by reference? No.  
If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking?
- 8) Date Filed in Agency's Principal Office: May 15, 1989
- 9) Notice(s) of Proposal Published in Illinois Register:  
July 22, 1988, 12 Ill. Reg. 11915  
(issue date)
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No.
- 11) Difference(s) between proposal and final version:  
Section 334.12 (c) - "at least monthly" has been changed to "at least quarterly" and the words "more frequent" have been added directly before "time intervals."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this Part? No.



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## NOTICE OF ADOPTED AMENDMENT(S)

- 15) Summary and Purpose of Amendments: The purpose of these amendments is to make minor corrections and language clarifications in Part 334. In addition, the frequency at which agencies are to meet in network panels was revised to "at least quarterly or at more frequent time intervals approved by vote of the local board or board of directors of the local service system."

- 16) Information and questions regarding these amendments shall be directed to:

Name: Jacqueline Nottingham, Chief

Address: Office of Rules and Procedures  
Department of Children and Family Services  
406 East Monroe  
Springfield, Illinois 62701-1498

Telephone: 217/785-2592

The full text of the adopted amendments begins on the next page:

TITLE 89: SOCIAL SERVICES  
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

## PART 334

## ADMINISTRATION AND FUNDING OF COMMUNITY-BASED SERVICES TO YOUTH

Section	Purpose
334.1	Definitions
334.2	Regional Youth Planning Committees
334.3	Establishment of Service Areas
334.4	Recognition of Local Boards or Local Service Systems
334.5	Requirements of the Governing Boards of the Local Board or Local Service Systems
334.6	Application Requirements for Recognition as a Local Board or Local Service System
334.7	Competitive Application Renewal and Recompensation
334.8	Review of Competitive Applications for Recognition of a Local Board or Local Service System
334.9	Areas Without Designated Local Boards or Local Service Systems
334.10	Target Groups to be Served by Local Boards or Local Service Systems
334.11	Service Components of Community-Based Services
334.12	Community Youth Service Plan
334.13	Funding of Community-Based Youth Services
334.14	Review and Monitoring of Community Youth Service Plans
334.15	

**AUTHORITY:** Implementing and authorized by Sections 5, 17, and 17a-1 through 17a-9 of "AN ACT creating the Department of Children and Family Services, codifying its powers and duties, and repealing certain Acts and Sections herein named" (Ill. Rev. Stat. 1987, ch. 23, pars. 5005, 5017, and 5017a-1 through 5017a-9) and Sections 1-3 and 3-28 of the Juvenile Court Act of 1987 (Ill. Rev. Stat. 1987, ch. 37, pars. 801-3 and 803-28).

**SOURCE:** Adopted at 8 Ill. Reg. 13147, effective July 18, 1984; amended at 9 Ill. Reg. 2240, effective February 1, 1985; amended at 11 Ill. Reg. 9869, effective June 1, 1987; amended at 13 Ill. Reg. 6986, effective May 15, 1989.

**Section 334.11 Target Groups to be Served by Local Boards or Local Service Systems**

- Local boards or service systems, in order to be considered for recognition and funding, must serve all youth mandated for service as identified in 89 Ill. Adm. Code 310, [Delivery of Youth Services Funded by the Department of Children and Family Services].
- All youth served, except those for whom the Department of Children and Family Services is legally responsible pursuant to 89 Ill. Adm. Code 304 (Access to and Eligibility for Child Welfare Services), shall be



DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

under 18 years of age except homeless youth who shall be under 21 years of age. Special exception may be made by the Department pursuant to Section 5 of the "An ACT creating the Department of Children and Family Services, codifying its powers and duties, and repealing certain Acts and Sections herein named" (Ill. Rev. Stat. 1983 1987, ch. 23, par. 5005).

c) All Cook County local boards or local service systems will respond to any calls referred by the emergency telephone response system in effect in Cook County for making referrals of youth in limited custody by the police.

dc) Resources will be prioritized by targeting youth at greatest risk of adjudication and commitment to the Department of Children and Family Services and for youth referred to the Unified Delinquency Intervention Services Program in lieu of the commitment to the Department of Corrections.

(Source: Amended at 13 Ill. Reg. 6986, effective May 15, 1989)

Section 334.12 Service Components of Community-Based Services

a) In order to be considered for recognition and funding, local boards or local service systems must describe how the following services listed in 89 Ill. Adm. Code 310, [Delivery of Youth Services Funded by the Department of Children and Family Services] will be provided:

1) 24-hour crisis intervention services available to police, court, the Department's emergency referral system to Cook County and Department referrals of youth identified in the mandatory target group. The system must be able to provide a worker on site within 90 minutes in rural areas and 60 minutes in urban and suburban areas unless alternative time frames are negotiated with appropriate law enforcement officials and approved by vote of the recognized local board or board of directors of the local service system.

2) Family preservation services available to all youth and families responded to through 24-hour crisis intervention services and other cases.

3) Temporary living arrangement when a youth cannot be returned home. Placement provisions contained in 89 Ill. Adm. Code 310, [Community-Based Services to Youth Funded by the Department of Children and Family Services] must be followed.

4) Diversion services to ensure that youth are diverted from the juvenile justice and child welfare systems. Toward that end:

A) Regular liaison will be maintained with local police departments, juvenile courts and Department intake and child protective teams.

B) Written agreements or letters of understanding regarding referral procedures and feedback must be established with:

1) At least 50% of the police departments of counties or

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

municipalities of over 10,000 people in the service area and juvenile courts.

ii) Regional offices of the Department of Children and Family Services.

5) Advocacy services provided for youth and their families in which responsible persons, on an out-reach basis, assist young people in resolving personal, family and social/institutional problems.

6) Family counseling.

7) Employment and educational assistance provided directly or through written inter-agency agreements to assist youth in preparing for and obtaining employment.

8) Service brokerage agreements established with drug, alcohol and mental health treatment programs to assure that assist youth have access to in obtaining needed services.

b) Indigenous community volunteers should be used to provide supportive services to youth, to advocate for youth and to remediate the conditions in the community which inhibit youth development and foster adolescent misbehavior and family instability.

c) Agencies providing services under the proposed grant shall meet at least quarterly monthly or at more frequent time intervals of not less than quarterly on an annual basis which are approved by vote of the local board or board of directors of the local service system in a network panel to clarify case management and organizational responsibilities and to develop inter-agency case plans for multi-problem youth. This network panel will screen and if requested by Governor's Youth Service Initiative Coordinators, develop case plans for all Governor's Youth Service Initiative referrals and Department referrals which meet the target group stipulations. The Department of Children and Family Services, probation, mental health, employment and training, education and other key youth service agencies will also be requested to participate at all meetings.

d) Each youth and family served shall have a client service plan as specified in 89 Ill. Adm. Code 310, [Community-Based Services to Youth Funded by the Department of Children and Family Services].

(Source: Amended at 13 Ill. Reg. 6986, effective May 15, 1989)

Section 334.13 Community Youth Service Plan

a) Bodies designated by the Department as local boards or local service systems shall, within 90 days of notification of such designation, submit a community youth service plan to the Department and the appropriate regional youth planning committee.

b) Each community youth service plan shall incorporate the previously submitted competitive application and also include the local board's or local service system's documentation of the following requirements:

1) Service constellation which contains an in-depth discussion of the services to be provided in accordance with 89 Ill. Adm. Code



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENT(S)

- 310, (Delivery of Youth Services Funded by the Department of Children and Family Services).
- 2) Integrated youth service system will be organized into an integrated youth service system characterized by a continuum of care. Documentation shall be developed as to how the services will achieve the program goals and objectives in accord with the needs assessment and available resources.
  - 3) Procedures which describe how the following functions will be carried out:
    - A) Crisis intervention
    - B) Intake/case planning
    - C) Service linkages
    - D) Case management and review
    - E) Provision of follow-up services
  - 4) Plan which details a time line for implementation.
  - 5) Staffing patterns and job descriptions.
  - 6) Personnel policies
  - 7) Procedures for development, award and monitoring of subcontracts.
  - 8) Fiscal record keeping.
  - 9) Reporting and documentation of programs towards goals and objectives.
  - 10) Plan for the monitoring of working agreements.
  - 11) Policy and procedures to protect the confidentiality of clients.
  - 12) Appeal procedures for clients and subcontractors.
  - 13) Financial development plan which ensures that attempts are made to generate resources to youth from potential public and private resources.
  - 14) Affirmative action plan.

(Source: Amended at 13 Ill. Reg. 6986, effective May 15, 1989)

DEPARTMENT OF CORRECTIONS  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Records of Committed Persons
- 2) Code Citation: 20 Ill. Adm. Code 107
- 3) Section Numbers: 107.170 Adopted Action: Repeal
- 4) Statutory Authority: Implementing Section 3-2-2 and authorized by Section 3-7-1 of the Unified Code of Corrections (Ill. Rev. Stat., 1987, ch. 38, pars. 1003-2-2 and 1003-7-1).
- 5) Effective Date of Rule(s) (Amendments, Repealer): May 1, 1989
- 6) Does this rulemaking contain an automatic repeal date? Yes X No
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: April 17, 1989
- 9) Notice(s) of Proposal Published in Illinois Register:  
January 27, 1989 13 Ill. Reg. 979  
(issues date)
- 10) Has JCAR issued a Statement of Objections to this(these) rule(s)? No.
- 11) Difference(s) between proposal and final version: The indent levels on the Table of Contents for Sections 107.300 and 107.310 have been corrected; and the main authority note reference to the Juvenile Court Act has been corrected.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes required.
- 13) Will this rule (amendment, repealer) replace an emergency rule (amendments, repealer) currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Rule(s) (Amendments, Repealer): Per an agreement with the Prisoner Review Board, The Department no longer awards institutional credits whereby committed persons were referred for a parole hearing prior to their scheduled dates. The rule regarding institution credits is, therefore, repealed.
- 16) Information and questions regarding this adopted rule (amendment, repealer) shall be directed to:



## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

Name: William H. Craine, Ph.D., Deputy Director  
Address: Department of Corrections  
 1301 Concordia Court  
 P. O. Box 19277  
 Springfield, Illinois 62794-9277  
Telephone: 217/522-2666

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Optometric Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1320
- 3) Section Numbers:
- |          | <u>Adopted Action:</u> |
|----------|------------------------|
| 1320.20  | Amended                |
| 1320.30  | Amended                |
| 1320.40  | Amended                |
| 1320.50  | Amended                |
| 1320.55  | Amended                |
| 1320.60  | Amended                |
| 1320.70  | Amended                |
| 1320.80  | Amended                |
| 1320.90  | Amended                |
| 1320.95  | New Section            |
| 1320.100 | Amended                |
| 1320.110 | Amended                |
| 1320.250 | New Section            |
| 1320.310 | New Section            |
- 4) Statutory Authority: The Illinois Optometric Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, pars. 3901 et seq.)
- 5) Effective Date of Amendment: April 25, 1989
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 20, 1989
- 9) Date Notice of Proposal Published in Illinois Register: May 20, 1988, at 12 Ill. Reg. 8606
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No
- 11) Difference(s) between proposal and final version:

In Section 1320.20(a)(4) "above the undergraduate level" has been added.

In Section 1320.30(a)(1) the word "either" has been replaced with "certification of graduation from an approved 4 year optometry graduate level program in accordance with Section 1320.20".

In Section 1320.30(a)(1) the language "Equivalent certification by an approved optometry school program in accordance with Section 1320.20," has been deleted.



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

In Section 1320.30(a)(3), 1320.50(a)(6), 1320.70(a)(2), 1320.70(c)(2), 1320.250(b)(5) and 1320.310(d) the reference to "Section 1320.45" was incorrect and has been changed to "Section 1320.300".

The following language has been added to the end of Section 1320.40(b): "If an applicant does not obtain a 75 on each section; he will be required to retake the entire comprehensive examination and again pay the required fee pursuant to Section 1320.300(a)(5)."

In Section 1320.50(a)(3) "times of licensures" has been changed to "time of original licensure".

In Section 1320.50(a)(4) "(e.g., similar subject matter)" has been added to the end.

In Section 1320.50(c) the language "in accordance with Section 11 of the Act" was added after "the Department may in individual cases, upon recommendation of the Committee".

In Section 1320.55(a) and 1320.70(c)(1) the incorrect reference to "Section 320.80" has been changed to "Section 1320.80".

In Section 1320.70 the words "expired or" have been added after "for all prerenewal periods for which the license was".

In Section 1320.70(b)(4)(B) the following sentence has been added as follows: "If an applicant does not obtain a 75 on each section; he will be required to retake the entire comprehensive practical examination and again pay the required fee pursuant to Section 1320.300(a)(5)".

In Section 1320.70(b)(4)(B) the words "In accordance with Section 11 of the Act" have been added after the words "comprehensive examination".

In Section 1320.80 "Section 320.80" has been deleted from "who meets the requirements set forth in Section 320.80 subsection (c)".

In Section 1320.80 (b)(2) "For the March 31, 1992, renewal and every renewal thereafter" has been added to the beginning; the words "college in accordance with Section 1320.20 of this Part" have been added after "by an approved optometry"; and "pursuant to the Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4400-1 et seq.)" has been added at the end.

In Section 1320.80(b)(2)(A) the words "on-site passage" have been deleted and replaced with "completion".

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

In Section 1320.80(b)(2)(B) "an on-site" and "non-certified continuing education" have been deleted and "fulfillment of the additional continuing education requirements as set forth in subsections(b)(1) and (b)(3)" has been added at the end.

In Section 1320.80(c)(1) "upon the recommendation of the committee" has been added after "authorized by the Department".

In Section 1320.80(c)(2) the reference to "Section 1320.45" was incorrect and has been changed to "Section 1320.300(a)(7)".

In Section 1320.80(c)(2)(C) "Section 1320.55" has been deleted and replaced with "subsection (a)(1) of this Section".

In Section 1320.80(f)(1) "the required renewal fee" has been changed to "the renewal fee set forth in Section 1320.300".

In Section 1320.80(f)(2)(B)(1) "documented by a physician licensed to practice medicine in all of its branches" has been changed to "documented by a currently licensed physician".

In Section 1320.90 the words "and findings recorded" have been added after "the following minimum examination shall be performed".

In Section 1320.100 the following sentence has been deleted: "A prescription may be filled or refilled for a period up to the expiration date of the prescription or in the absence of the expiration date, one year from the date of the original issuance of the prescription."

Subsection (d) in Section 1320.110 which reads as follows has been deleted: "Advertisements for optometric services, which are made by legal entities other than the name on an optometric license, shall include the name(s) of the licensed optometrist(s) who will be providing these services".

In Section 1320.250 the words "by the Department" have been added after "TOPS certificate".

In Section 1320.250(d) "The Department shall examine each application to determine compliance with the Act and Subpart B of this Part." has been deleted.

In Section 1320.250(d)(2) "pursuant to Section 15(c) of the Act" has been added at the end.

In Section 1320.310(c) "accordance to" has been replaced with "in accordance with".



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

Section 1320.310(e) is new and reads as follows "An optometrist shall be required to obtain a separate ancillary license or certificate for each branch location".

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace an Emergency Amendment currently in effect? No
- 14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendment: These amendments modify the language dealing with approved programs of optometry. Also, the application for examination language has been modified to require complete work history but no longer requires a photograph. The examination language has been modified and applicants will be required to obtain a 75 on all sections of the written comprehensive examination in order to be successful on this examination. If an applicant fails to apply for licensure within one year after successful completion of the comprehensive practical examination, these scores will be void.

Reciprocity is now referred to as endorsement in Section 1320.50. Modifications to the requirements for licensure under this section have been made -- a photograph is no longer required and a complete work history is now required. Endorsement applicants will be required to take and pass the comprehensive practical examination. This may be waived in certain situations.

The renewal language has been modified. A licensee seeking restoration of his license after it has expired or been placed on inactive status for more than three (3) years rather than the current five (5) years shall file an application along with proof of completion of continuing education (CE) for all prerenewal periods rather than just for one. Also, successful completion of the comprehensive practical examination is required, but may be waived in certain situations.

Modifications have been made to Section 1320.80 continuing education (CE). The prerenewal period has been changed from the 24 months preceding January 31 to the 24 months preceding March 31. For the renewal period ending March 31, 1990, the prerenewal period will be February 1, 1988, to March 31, 1990. For the March 31, 1992, renewal and every renewal thereafter, each licensee shall be required to complete a minimum of six (6) hours of CE credit which must be certified, requiring successful completion of a post course evaluation. The remaining eighteen (18) hours of CE credit may be obtained in the manner outlined in this section. The Department will no longer approve individual CE programs

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

instead it will approve the sponsors of programs or courses. Standards and criteria for sponsor applications and guidelines for CE programs are set forth. Any licensee who has earned CE hours in another state for which he will be claiming credit must submit an application, along with a \$10 processing fee, within 90 days of completion of the course.

The minimum eye examination language has been modified. Section 1320.95 has been added that specifies the minimum equipment required in an optometry office. The practice of optometry has been further defined to include: the fitting of any ophthalmic lenses; electronic or computerized examination techniques; visual screening; and diagnosis of anomalies of the eye, adnexa and the visual system. Also, no ophthalmic lenses, prisms, or contact lenses may be sold or delivered without a signed prescription. In cases where no expiration date is listed the prescription shall expire a year from the date of issuance. Advertising language in Section 1320.110 has been clarified.

Section 1320.250 establishes requirements and procedures whereby applicants holding a topical ocular pharmaceutical agents (TOPS) certificate in another jurisdiction may apply for licensure in the State of Illinois on the basis of endorsement.

Subpart C: General, has been added. Ancillary licenses and certificates have been defined and procedures for the application for such licenses or certificates have been established.

The following additions or changes have been made pursuant to Public Act 85-896: the name of the Optometry Examining and Disciplinary Committee has been changed to the Illinois Optometric Licensing and Disciplinary Committee; a certificate of registration is now referred to as a license; and registrant has been changed to licensee.

- 16) Information and questions regarding this adopted rule shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0800

The full text of the Adopted Amendments begins on the next page.



DEPARTMENT OF PROFESSIONAL REGULATION89

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1320

OPTOMETRIC PRACTICE ACT OF 1987

SUBPART A: OPTOMETRY

Section	Approved Programs of Optometry
1320.20	Application for Examination
1320.30	Examinations
1320.40	Fees (Emergency Expired)
1320.45	<del>Residency</del> Endorsement
1320.50	Renewals
1320.55	Inactive Status
1320.60	Restoration
1320.70	Continuing Education
1320.80	Minimum Eye Examination
1320.90	Minimum Equipment List
1320.95	Practice of Optometry
1320.100	Advertising
1320.110	Granting Variances
1320.120	
SUBPART B: TOPICAL OCULAR PHARMACEUTICALS	
1320.200	Definitions and Standards
1320.210	Application for Certification
1320.220	Approved Pharmacological Training
1320.230	Approved Topical Ocular Pharmaceutical Agents
1320.240	Restoration of Certification
1320.250	Endorsement of Certificate
1320.260	Renewal of Certification
1320.270	Display of Certification

SUBPART C: GENERAL	
1320.300	Fees
1320.310	Ancillary Licenses and Certificates

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing The Illinois Optometric Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, pars. 3901 et seq.) authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 60(7)).

SOURCE: Adopted at 5 Ill. Reg. 5869, effective June 1, 1981; codified at 5 Ill. Reg. 11046; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; emergency amendment at 6 Ill. Reg. 2273, effective January 29, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 10032, effective August 1, 1982; amended at 9 Ill. Reg. 1092, effective January 11, 1985; amended at 10 Ill. Reg. 7340, effective April 16, 1986; transferred from Chapter I, 68 Ill. Adm. Code 320 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1320 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 1821; emergency amendment at 12 Ill. Reg. 1925, effective January 1, 1988, for a maximum of 150 days; emergency expired May 30, 1988, at 12 Ill. Reg. 11447, effective June 27, 1988; amended at 13 Ill. Reg. 6994, effective April 25, 1989.

SUBPART A: OPTOMETRY

Section 1320.20 Approved Programs of Optometry

a) The Department of Professional Regulation (the "Department") shall, upon the recommendation of the Optometry Examining Illinois Optometric Licensing and Disciplinary Committee ("Committee"), approve an optometry program as reputable and in good standing if it meets the following minimum criteria:

- 1) The educational institution is legally recognized and authorized by the jurisdiction in which it is located to confer the Doctor of Optometry degree.
- 2) A faculty which is comprised of a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence in their area of teaching as evidenced by appropriate degrees from professional colleges or institutions.



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 3) Has a curriculum of at least the following subject areas:

Basic Science, including Anatomy, Physiology, and Biochemistry  
 Psychological Optics  
 Practical Optics  
 Anatomy and Physiology of the Eye  
 Pathology of the Eye  
 Physiological Optics  
 Theoretical Optometry  
 Practical Optometry  
 Clinical Optometry  
 Theory and Practice of Contact Lens Fitting  
 Pharmacology

- 4) Either: A) Has a course of study of 4 academic years above the undergraduate level; or

B) Accepts only persons who have completed one academic year of study in a college of liberal arts and sciences whose credits include at least 3 of the following subjects: Chemistry, Physics, Mathematics, Zoology or Biology, and English, and has a course of study of 3 academic years.

- 5) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.

- b) In determining whether a school or college should be approved, the Department shall take into consideration but not be bound by accreditation by the Council on Optometric Education or approval by the International Optometric and Optical League.

## c) Program Evaluation

- 1) An applicant from an optometry program that has not been evaluated will be requested by the Department to provide documentation concerning the criteria in this Section.

- 2) Once the Department has received the documentation or after 6 months have elapsed

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

from the date of application, whichever comes first, the Board Committee will evaluate the program based on all documentation received from the school and any additional information the Department has received which it deems to be reliable.

## d) Withdrawal of Approval

- 1) The Director may, upon a written recommendation submitted by the Optometry Examining and Disciplinary Committee, withdraw, suspend or place on probation the approval of an optometry program when the quality of the program has been materially affected by any of the following causes:

- A) Gross or repeated violations of any provision of the Illinois Optometric Practice Act of 1987 (Ill. Rev. Stat. 1987, Ch. Ill, pars. 3901 et seq.) (the "Act") Act;

- B) Gross or repeated violations of any of this Part these-Rules;

- C) Fraud or dishonesty in furnishing documentation for evaluation of the optometry program; or

- D) Failure to continue to meet the established criteria of an approved optometry program as set out in this Section.

- 2) An optometry program whose approval is being reconsidered by the Department shall be given written notice prior to any recommendation by the Committee and the officials in charge may either submit written comments or request a hearing before the Committee.

- e) The Department, upon the recommendation of the Optometry Examining and Disciplinary Committee, has determined that all optometry programs accredited by the Council on Optometric Education as of January 1,



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

1981 1989, meet the minimum criteria set forth in subsection (a) above and are, therefore, approved.

(Source: Amended at 13 Ill. Reg. 6994, effective April 25, 1989)

## Section 1320.30 Application for Examination

- a) An applicant for a certificate of registration license to practice optometry shall file an application, on forms supplied by the Department, at least 60 days prior to an the comprehensive practical examination date. The application shall include:

i) A recent photograph not larger than 2½ by 2½ inches

2) Either:

A) Certification of graduation from an approved 4 year optometry graduate level college program in accordance with Section 1320.20; or

B) Certified records showing credit for at least 30 semester hours or 45 quarter hours in the subjects required by Section 7(e)(1) of the Act from an accredited college of liberal arts and sciences, and certification of graduation from an approved 3 year optometry college

3) A statement that the applicant is free from contagious or infectious diseases, signed by a licensed physician,

2) A complete work history since graduation from an optometry program; and

43) The required fee set forth in Section 1320.300 of this Part.

- b) The applicant shall also cause a certified copy of the grades received on the examination given by the National Board of Examiners in Optometry (NBO) to be forwarded by the National Board directly to the Department. The NBO exam scores shall be received

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

prior to taking the comprehensive practical examination.

(Source: Amended at 13 Ill. Reg. 6994, effective April 25, 1989)

## Section 1320.40 Examinations

- a) The areas of the examination requirements are as follows:

1) Written Theoretical Successful completion of the examination administered by National Board of Examiners in Optometry Examination (NBO).

A) Exam Subjects

i) Part I - Theoretical Optics, Visual Science-I, Ocular Anatomy.

ii) Part II, Stage a - Ophthalmic Optics, Visual Science-II.

iii) Part -II, Stage b - Theory and Practice of Optometry, Theoretical Ocular Pathology and Ocular Pharmacology, Jurisprudence, Public Health.

2) Successful completion of the comprehensive practical examination administered by the Department or its designated testing service.

- b) The passing grade on each section of the comprehensive practical examination is 75. If an applicant does not obtain a 75 on each section, he will be required to retake the entire comprehensive examination and again pay the required fee pursuant to Section 1320.300(a)(5).

Bc) An applicant must direct NBO to submit evidence of the successful completion of the entire NBO examination, by NBO standards, in order to qualify to take the practical examination.

d) An applicant shall apply for licensure within 1 year of successful completion of the comprehensive practical examination or the examination scores for the comprehensive practical will be void.



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

e) Upon adoption, the provisions of this Section shall apply to all applicants regardless of where the applicant is in the application process.

e) The Department will not scramble the scores of numerous NBSE examinations. Scrambling of scores is defined as the choice of the highest score(s) taken over multiple examinations for the purpose of deriving the required passing score. The Department will not commingle the grades from past State-constructed examinations with NBSE examinations.

e) Successful completion of the entire NBSE examination is required of all applicants upon adoption of this Section. In the event an applicant who had successfully completed the NBSE examination subsequently failed the State-constructed Written Theoretical examination, successful completion of the NBSE examination taken after the failure will be required.

(Source: Amended at 13 Ill. Reg. 6994, effective April 25, 1989)

## Section 1320.50 Receptivity Endorsement

a) An applicant who is licensed under the laws of another state or territory in the United States jurisdiction shall file an application with the Department together with:

1) A recent photograph not larger than 2 1/2 x 2 1/2 inches;

2) A statement that the applicant is free from contagious or infectious diseases, signed by a licensed physician;

3) Certification of graduation from an approved optometry college; and

4) A certification of licensure from all United States jurisdictions in which the applicant has ever been licensed, by the state or territory of original licensure stating:

A) The time during which the applicant was licensed in that state jurisdiction,

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

including the date of the original issuance of the license;

B) A description of the licensure examination in that jurisdiction;

BC) Whether the file on the applicant contains any record of any disciplinary actions taken or pending; and

C) That such other state or territory grants similar receptivity to optometrists licensed in Illinois; and

3) A copy of the acts and rules in effect at the time of original licensure;

4) Successful completion of the comprehensive practical examination set forth in Section 1320.40 or equivalent examination administered in another jurisdiction (e.g., similar subject matter);

5) A complete work history since graduation from an optometry program; and

56) The required fee as set forth in Section 1320.300.

b) The Department shall examine each receptivity endorsement application to determine whether the requirements in such state United States jurisdiction at the date of registration licensure were substantially equivalent to the requirements then in force in this State. The Department shall within a reasonable time either issue a certificate of registration license by receptivity endorsement to the applicant or notify him of the reasons for the denial of his application.

c) The Department may, in individual cases, upon recommendation of the Committee in accordance with Section 11 of the Act, waive the comprehensive practical examination for an applicant for endorsement, after full consideration of his optometric education, training and experience, including, but not limited to, whether he has achieved special honors or awards, has had articles published in professional journals, has participated



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

in writing textbooks relating to optometry, and any other attribute which the Committee accepts as evidence that such applicant has outstanding and proven ability in optometry.

(Source: Amended at 13 Ill. Reg. 6994, effective April 25, 1989 )

## Section 1320.55 Renewals

a) Every certificate of registration license issued under the Act shall expire on March 31 of each even numbered year. The holder of a certificate of registration license may renew such certificate license during the month preceding the expiration date thereof by paying the required fee and completion of continuing education requirements set forth in Section 1320.80.

b) It is the responsibility of each registrant licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and to renew the license in a timely manner.

(Source: Amended at 13 Ill. Reg. 6994, effective April 25, 1989 )

## Section 1320.60 Inactive Status

a) Any registered licensed optometrist who notifies the Department in writing on forms prescribed by the Department may elect to place his certificate of registration license on inactive status and shall be excused from the payment of renewal fees until he notifies the Department in writing of his desire to resume active status.

b) Any registrant licensee seeking restoration from inactive status shall do so in accordance with Section 1320.70 of this Part.

c) Any registered licensed optometrist whose certificate of registration license is on inactive status shall not practice optometry in the State of Illinois.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

d) If an optometrist's license is placed on inactive status, all ancillary licenses and all topical ocular pharmaceutical agents (TOPS) certificates shall be placed on inactive status.

(Source: Amended at 13 Ill. Reg. 6994, effective April 25, 1989 )

## Section 1320.70 Restoration

a) A registrant licensee seeking restoration of his certificate of registration license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, together with:

- 1) Proof of completion of the required number of continuing education (CE) hours for one all prerewal periods for which the license was expired or on inactive status as specified in Section 1320.80 of this Part. Acceptable proof of completion shall be in the form of certificates of attendance provided by sponsors of approved continuing education programs; and
- 2) The restoration fee(s) specified in Section 23 1320.300 of the Act this Part. For the purpose of restoring from inactive status the Department shall consider that no renewal fees have lapsed during the period of inactive status.

b) In addition to satisfying the requirements of subsection (a) above the registrant licensee shall also submit either:

- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant licensee was authorized to practice during the term of said active practice;
- 2) An affidavit attesting to military service as provided in Section 22 16 of the Act. If application is made within one two years of discharge, and if all other provisions of Section 22 16 of the Act are satisfied, the



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

applicant will not be required to pay a restoration fee or any lapsed renewal fees; or

- 3) Evidence of other education or experience acceptable to the Department of the ~~registrant's~~ licensee's fitness to have his certificate restored. Such evidence shall be reviewed on a case by case basis by the Committee.

- 4) Successful completion of the comprehensive practical examination administered by the Department or its designated testing service.

A) The passing grade on each section of the comprehensive practical examination shall be 75. If an applicant does not obtain a 75 on each section; he will be required to retake the entire comprehensive practical examination and again pay the required fee pursuant to Section 1320.300(a)(5).

B) The Committee may, in its discretion and in individual cases, make a recommendation to the Director for the waiver of the comprehensive examination in accordance with Section 11 of the Act based on quality of education, training and experience including, but not limited to, special honors and awards, articles published in optometry journals, written or participated in the writing of textbooks in optometry or any other circumstances or attribute which the Committee accepts as evidence that such applicant has outstanding and proven ability in optometry.

- c) A ~~registrant~~ licensee seeking restoration of his ~~certificate of registration~~ license which has expired or been on inactive status for less than 5 3 years, or has been placed in nonrenewed status for failure to comply with continuing education (CE) requirements shall file an application on forms provided by the Department, together with:

- 1) Proof of completion of the required number of continuing education hours for ~~one~~ all prerenewal periods for which the license was on

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

inactive status as specified in Section 1320.80 of this Part. Acceptable proof of completion shall be in the form of certificates of attendance provided by sponsors of approved continuing education programs; and

- 2) The restoration fee(s) specified in Section 23 1320.300 of the ~~Act~~ this Part. For the purpose of restoring from inactive status the Department shall consider that no renewal fees have lapsed during the period of inactive status.

d) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is reasonably questioned by the Department, because of discrepancies or conflicts in information, needing further clarification, and/or missing information, the ~~registrant~~ licensee seeking restoration of his ~~certificate of registration~~ license will be requested to:

- 1) provide such information as may be necessary; and/or
- 2) explain such relevance or sufficiency during an oral interview; or
- 3) appear for additional oral interview(s) before the ~~Optometry Examining and Disciplinary~~ Committee when the information available to the Committee is sufficient to evaluate the individual's current competency to practice under the ~~Optometry~~ Act. Upon the Recommendation of the Committee, an applicant shall have his license restored.

(Source: Amended at 13 Ill. Reg. 6994, effective April 25, 1989)

## Section 1320.80 Continuing Education

- a) Continuing Education Hour Requirements

- 1) Every renewal applicant shall complete 24 hours of Continuing Education (CE) relevant to the practice of optometry required during each prerenewal period. A prerenewal period is the 24 months preceding January March 31 in the



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

year of the renewal. For the renewal period ending March 31, 1990, the prerenewal period will be February 1, 1988, to March 31, 1990.

- 2) A renewal applicant is not required to comply with CE requirements for the first renewal.
- 3) Optometrists licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.

b) Activities Approved for Continuing Education

1) Activities approved by the Department, upon the recommendation of the Optometry Examining and Disciplinary Committee (Committee), for which CE credit may be earned are as follows:

A1) Verified attendance at or participation in an approved program which is offered by an approved continuing education sponsor who meets the requirements set forth in subsection (c).

2) Credit shall not be given for courses in office management, administration or other similar business courses. For the March 31, 1992, renewal and every renewal thereafter each licensee shall be required to complete at least 6 hours of credit for each prerenewal period which is certified by an approved optometry college in accordance with Section 1320.20 of this Part, osteopathic or medical college or university pursuant to the Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, Ch. 111, par. 4400-1 et seq.).

A) Each certified course shall be at least 3 hours in duration and shall include the successful completion of a post-course evaluation of the attendee's understanding of the course material.

B) Licensees who attend a certified education course without successful completion of a post-course evaluation may apply actual course hours toward fulfillment of the additional continuing education requirements as set forth in subsection (b)(1) and (b)(3).

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

C) Any approved continuing education sponsor or employer may offer, in conjunction with the above-referenced college or university, a certified course.

D) Transcript quality continuing education courses shall be deemed equivalent to the certified course if they meet the requirements set forth in subsection (2)(A) above.

3) Eighteen (18) hours of CE credit may be earned as follows:

BA) A maximum of 12 hours per prerenewal period for papers prepared or delivered before recognized optometric organizations, papers published in nationally recognized optometric journals, or a chapter in a book of optometry, each appropriately verified.

BB) A maximum of 12 hours per prerenewal period for verified teaching of students at an optometry school approved by the Department, or practicing optometrists in CE programs approved by the Department. One hour of teaching at an optometry school approved by the Department is equal to one hour of continuing education.

BC) A maximum of 2 hours per prerenewal period for previously approved verified self-instruction in the individual use of audio-visual materials which is sponsored or cosponsored by any previously approved, optometry college, institution or national, state or local optometry association or organization similar to the foregoing.

BD) A maximum of 4 hours per prerenewal period for courses in practice management which includes business management.

BE) Continuing education credit hours used to satisfy the CE requirements of another state may be applied to submitted for



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

approval for fulfillment of the CE requirements of the State of Illinois.

F) Credit shall not be given for courses taken in Illinois from unapproved sponsors.

c) Criteria for Approval of CE Sponsors Continuing Education Sponsors and Programs

1) Criteria for approval of continuing education sponsors by the Department upon the recommendation of the Committee are as follows: Sponsor, as used in this Section, shall mean a person, firm, association, corporation, or any other group which has been approved and authorized by the Department upon the recommendation of the Committee to coordinate and present continuing education courses or programs.

2) A sponsor shall file a sponsor application, along with the required fee set forth in Section 1320.300(a)(7), which certifies:

A) that all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c) and all other criteria in this Section;

B) that the sponsor will be responsible for verifying attendance at each course or program, and provide a certificate of completion as set forth in subsection (b);

C) that the sponsor will provide the Department with a list of all programs for which CE credit was given during the prerenewal period set forth in subsection (a)(1) of this Section;

D) that upon request by the Department, the sponsor will submit such evidence as is necessary to establish compliance with this Section. Such evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this Part and that

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

this information is necessary to ensure compliance; and

E) that each sponsor shall submit to the Department a written notice of a course offering 30 days prior to the course date. The notice shall include the description, location, date and time of the course to be offered.

3) All courses and programs shall:

A) Whether the programs provided by such sponsors contribute to the advancement, extension and enhancement of professional clinical skills and scientific knowledge in the practice of optometry.

B) Whether the sponsors will provide experiences which contain scientific integrity, relevant subject matter and course materials; and

C) be developed and presented by persons with education and/or experience in subject matter of the program.

e4) Whether the tuition fees charged for programs conducted by approved sponsors are shall be reasonable and directly related to the sponsor's actual expense in conducting the programs.

25) All programs given by approved sponsors should shall be open to all registered licensed optometrists and not be limited to the members of a single organization or group and shall specify the number of CE hours and category(s) that may be applied toward Illinois CE requirements for licensure renewal.

3) The Department, upon recommendation of the Committee has determined that, upon approval of the original Sponsorship Application, programs conducted by approved sponsors of optometry shall be considered approved for CE relative to the provisions of Section 320-80(b) of this Part but shall be required to submit materials relative to individual CE programs as outlined



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

in subsection (d) (2) below. The Department upon the recommendation of the committee, shall terminate such approval for CE sponsorship.

## d) Procedure for Approval of CE Sponsors and Programs

1) Any organization that desires to become an approved sponsor shall file with the Department a completed Sponsorship Application, all relevant information bearing on their compliance with the criteria set forth above and 6 copies of the proposed program schedule. All information must be received by the Department at least 120 days prior to the date of any program for which the organization seeks approval.

2) Once a sponsor has been approved, he is only required to submit to the Department 6 copies of the proposed program schedule at least 90 days prior to the date of each program.

3) Each program that is approved by the Department, upon the recommendation of the committee, shall be assigned the appropriate number of CE credit hours.

4) Each organization shall be given at least 60 days written notice of the Department's decision to approve or disapprove a program and, if the program is approved, the number of CE credit hours assigned to it.

## 5) Certificate of Attendance

A) It shall be the responsibility of the sponsor to provide each participant in an approved program with a certificate of attendance signed by the sponsor. The sponsor's certificate of attendance shall contain:

- i) The name and address of the sponsor;
- ii) The name and address of the participant and their optometry license number;

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

iii) A detailed statement of the subject matter;

iv) The number of hours actually attended in each topic;

v) The date of the program.

B) The sponsor shall maintain these records for not less than 5 years.

67) The sponsor shall be responsible for assuring verified continued attendance at each program. No renewal applicant shall receive CE credit for time not actually spent attending the program.

78) Upon the failure of any sponsor to comply with any of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Committee, shall thereafter refuse to accept for CE credit attendance at or participation in any of such sponsor's CE activities until such time as the Department receives reasonably satisfactory assurances of compliance with this Section.

ed) Continuing Education Earned in Other States. If a renewal applicant licensee has earned CE hours in another state or territory for which he is will be claiming credit toward full compliance in Illinois, the applicant shall submit an application along with a \$10 processing fee within 90 days of completion of the course. The Committee shall review and recommend approval or disapproval of these programs this program using the criteria set forth in this Section. ~~listed above, even though such programs were not submitted to this Department for prior approval.~~

fe) Certification of Compliance with CE Requirements

1) Each renewal applicant shall certify, on his renewal application, to full compliance with the CE requirements set forth in subsection (a) above.



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 2) The Department may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance.
- 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Committee, at which time the Committee may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 16 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1979 1987, ch. 127, par. 1016).

## g) Waiver of CE Requirements

- 1) Any renewal applicant seeking renewal of his license without having fully complied with these CE requirements shall file with the Department a renewal application, the renewal fee set forth in Section 1320.300, a statement setting forth the facts concerning such non-compliance, and a request for waiver of the CE requirements on the basis of such facts. If the Department, upon the written recommendation of the Committee, finds from such affidavit or any other evidence submitted, that good cause has been shown for granting a waiver, the Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied. At that time, the renewal applicant will be requested to submit the required renewal fee.
- 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
  - A) Full time service in the armed forces of the United States of America during a substantial part of such period; or
  - B) Extreme hardship, which shall be determined on an individual basis by the Committee and shall be limited to documentation of:
    - 1) an incapacitating illness documented by a currently licensed physician,
    - 2) a physical inability to travel to the sites of approved programs, or
    - 3) any other similar extenuating circumstances.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- i) an incapacitating illness documented by a currently licensed physician,
- ii) a physical inability to travel to the sites of approved programs, or
- iii) any other similar extenuating circumstances.
- 3) An interview before the Committee with respect to a request for waiver shall be granted only if such an interview with the Committee is requested at the time the request for such waiver is filed with the Department. The renewal applicant requesting such waiver shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.

(Source: Amended at 13 Ill. Reg. 6994, effective April 25, 1989)

## Section 1320.90 Minimum Eye Examination

In the absence of good reasons to the contrary, the following minimum examination shall be performed and findings recorded by an optometrist, and he shall keep a record thereof for a period of 3 years, as required by Section 11 of the Act:

- a) Complete case history.
- b) Visual acuity at distance.
  - 1) Unaided (mono plus binocular).
  - 2) Last prescription or habitual prescription (mono plus binocular).
- c) External examination, including pupil reactivity.
- d) Internal Examination (Ophthalmoscopic examination).
- e) Retinoscopy.
- f) Measurement of vergences and accommodation.
- g) Phorias. Measurement of phoria posture (far and near).



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

h) Refractive status.

- 1) Subjective refraction to best visual acuity at distance.
- 2) Subjective refraction at near.
- g) Measurement of binocularity, including vergences, phoric, and accommodative ability.

h) Color vision screening.h) Glaucoma screening with including tonometry.

(Source: Amended at 13 Ill. Reg. 6994, effective April 25, 1989)

Section 1320.95 Minimum Equipment List

Each office in which the practice of optometry is conducted shall contain, in good working condition, the following minimum equipment:

- a) Ophthalmoscope
- b) Retinoscope or its equivalent
- c) Tonometer
- d) Visual Field Testing Device
- e) Color Vision Testing Device
- f) Keratometer or its equivalent
- g) Biomicroscope
- h) Lenses for subjective testing

(Source: Added at 13 Ill. Reg. 6994, effective April 25, 1989)

Section 1320.100 Practice of Optometry

- a) The practice of optometry as defined in Section 3 of the Act shall include but not be limited to the following functions:

- 1) Prescribing and fitting of any ophthalmic lenses including contact lenses.
- 2) Retinoscopy.
- 3) Tonometry.
- 4) Keratometry.
- 5) Subjective Lens Testing.
- 6) Phorias testing.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 7) Biomicroscopy.
- 8) Ophthalmoscopy.
- 9) Electronic or computerized examination techniques that utilize devices that perform any of the above functions.
- b) However, visual screening shall not be considered the practice of optometry.
- 11) The diagnosis of anomalies of the eye, adnexa and the visual system.

- b) Nothing in this Section shall prohibit visual screening conducted by a charitable organization or governmental agency, acting in the public welfare under the supervision of a committee composed of persons licensed by the State to practice optometry or medicine in all of its branches.

- c) Visual screening is defined as a means of determining the visual acuity and visual skills of an individual to determine if a professional complete examination, as described in Section 1320.90, by a registered licensed optometrist or a physician licensed to practice medicine in all of its branches is recommended.

- d) No ophthalmic lenses, prisms, or contact lenses may be sold or delivered to an individual without a prescription signed by a licensed optometrist or a physician licensed to practice medicine in all of its branches.

- e) The following acts shall not be performed by an individual not licensed in this State as an optometrist or to practice medicine in all of its branches except while acting under the direct supervision of a person so licensed:

- 1) Conducting or performing examinations of the human eye or its appendages employing either objective or subjective means, or both for the purpose of adapting contact lenses to the eyes of any person;
- 2) Using instruments or appliances of any type to determine the curvatures of the eye or of the cornea of any person for the purpose of ordering or supplying contact lenses for such person;



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 3) Determining, selecting or specifying the lens characteristics or the lens curvatures of contact lenses to be supplied to any person;
- 4) Converting, altering, or varying in any manner a prescription for contact lenses prepared by an optometrist or a person licensed to practice medicine in all its branches in this State;
- 5) Converting, altering, or varying in any manner a prescription for spectacles prepared by an optometrist or a person licensed to practice medicine in all of its branches in this State for the purpose of converting such prescription for spectacles into a prescription for contact lenses;
- 6) Inserting, removing, adjusting or adapting contact lenses for the purpose of selecting, specifying or furnishing contact lenses for use by any person;
- 7) Conducting or performing any examination of the human eye or its appendages employing either objective or subjective means or both for the purpose of determining the effects which may have resulted from wearing contact lenses by any person;
- 8) Where a person has been provided with contact lenses pursuant to a prescription by an optometrist or a person licensed to practice medicine in all of its branches in this State, adjusting, adapting or changing the lens characteristics or the lens curvatures of such contact lens in any manner whatsoever;
- 9) Advertising, representing or informing the general public by any means, including, but not limited to, display advertising in newspapers and telephone directories within the State of Illinois, that he will fit, or adapt contact lenses for the use of any person.

(Source: Amended at 13 Ill. Reg. 6994, effective April 25, 1989 )

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

## Section 1320.110 Advertising

- a) The name of the registered licensed optometrist shall be conspicuously displayed at the entrance of each office, or store, or section of a store where he offers optometric services eyecare and eyewear services are offered. In an establishment where other services or goods are offered in addition to eyecare and eyewear, the name of the optometrist shall be conspicuously displayed at the entrance of the eyecare and eyewear section.
- b) All advertising of optometric services, including, but not limited to, the advertising of optometric examinations in connection with the advertising of optical goods, shall contain the statement that all optometric services are performed by a registered licensed optometrist.
- c) Only a registered licensed optometrist and a physician licensed to practice medicine in all of its branches are permitted to advertise or imply that they are authorized to measure the power of vision.

Source: Amended at 13 Ill. Reg. 6994, effective April 25, 1989 )

## SUBPART B: TOPICAL OCULAR PHARMACEUTICALS

## Section 1320.250 Endorsement of Certificate

- a) An applicant licensed to practice optometry in another jurisdiction after January 1, 1988, shall be required to apply for and obtain a TOPS permit in conjunction with his optometry license.
  - b) An applicant who is licensed or certified under the laws of another jurisdiction to use topical ocular pharmaceutical agents for examination purposes shall file an application with the Department, on forms provided by the Department, together with
- 1) An application for licensure as an optometrist in the State of Illinois and meet the requirements set forth in the Act and Section 1320.50 for such licensure;
  - 2) A certification from the licensing authority of the jurisdiction of original licensure, and any



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

other jurisdiction in which the applicant is licensed, stating:

- A) The time during which the applicant was licensed in that state;
- B) Whether the file on the applicant contains any record of any disciplinary actions taken or pending;
- C) A description of the examination and grade received;

- 3) A description of the TOPS training received;
- 4) A copy of the acts and rules in effect at the time of original certification or licensure; and
- 5) The required fee set forth in Section 1320.300.

c) An applicant who is licensed as an optometrist in another jurisdiction, whose optometry license includes the ability to use topical ocular pharmaceuticals, will be issued a TOPS certificate by the Department if he meets the requirements set forth in subsection (b) above.

d) The applicant may be required to appear before the Board:

- 1) to clarify or explain information contained on the submitted documentation; or
- 2) to determine the substantial equivalence of the applicant's qualifications to the licensing requirements in this State pursuant to Section 15(c) of the Act.

(Source: Added at 13 Ill. Reg. 6994, effective April 25, 1989 )

## SUBPART C: GENERAL

## Section 1320.310 Ancillary Licenses and Certificates

- a) Ancillary license, as used in this Part, shall mean an optometry license which is issued pursuant to Section 7 of the Act to a licensed optometrist who

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

is engaged in the practice of optometry at more than one address.

- b) Ancillary certificate, as used in this Part, shall mean a topical ocular pharmaceutical agents (TOPS) certificate which is issued pursuant to Section 7 of the Act to a licensed optometrist who is engaged in the practice of optometry at more than one address.
- c) Each ancillary license and certificate shall be displayed in accordance with Section 6 of the Act.
- d) An ancillary license or ancillary certificate shall be issued to a licensed optometrist upon submitting a completed application to the Department, on forms provided by the Department, and the required fee set forth in Section 1320.300 of this Part. The application shall include the address of the branch office location for which the license or certificate will be issued.
- e) An optometrist shall be required to obtain a separate ancillary license or certificate for each branch location.

(Source: Added at 13 Ill. Reg. 6994, effective April 25, 1989 )



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: MEDICAL PAYMENT
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: Adopted Action:  
140.43 New Section
- 4) Statutory Authority: Sections 5-5 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-5 and 12-13)
- 5) Effective Date of Amendment: April 24, 1989
- 6) Does this rulemaking contain an automatic repeal date?  
Yes ☐ No ☒
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 24, 1989
- 9) Notice of Proposal Published in Illinois Register:  
December 2, 1988 (12 Ill. Reg. 19868)
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Difference between proposal and final version: On Second Notice the Department changed the 30 day time limit in subsection (b) to 90 days.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A
- 13) Will this amendment replace an Emergency Amendment currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.16	Amendment	March 10, 1989 13 Ill. Reg. 2937
140.17	Amendment	March 10, 1989 13 Ill. Reg. 2937

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

Section Numbers	Proposed Action	Illinois Register Citation
140.20	Amendment	December 16, 1988 12 Ill. Reg. 20714
140.21	Amendment	March 17, 1989 13 Ill. Reg. 3295
140.110	New Section	July 15, 1988 12 Ill. Reg. 11701
140.400	Amendment	December 16, 1988 12 Ill. Reg. 20714
140.435	Amendment	December 16, 1988 12 Ill. Reg. 20714
140.436	Amendment	December 16, 1988 12 Ill. Reg. 20714
140.440	Amendment	December 30, 1988 12 Ill. Reg. 22329
140.526	Amendment	February 3, 1988 13 Ill. Reg. 1420
140.642	Amendment	November 28, 1988 12 Ill. Reg. 19613

- 15) Summary and Purpose of Amendment: This rulemaking specifies criteria for post-approval of items and services where prior approval cannot be obtained.

- 16) Information and questions regarding this Adopted Amendment shall be directed to:

Name: Thomas D. Toberman  
Division of Medical Programs  
Illinois Department of Public Aid  
201 South Grand Avenue East  
Third Floor  
Springfield, Illinois 62762  
(217) 524-7335

Address:

Telephone:

The full text of the Adopted Amendment begins on the next page:



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMSPART 140  
MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

Section  
140.1 Incorporation By Reference  
140.2 Medical Assistance Programs  
140.3 Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)

140.4 Covered Medical Services Under GA and AMI  
140.5 Medical Services Not Covered  
140.6 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Infants Under Age One Year  
140.7 Medical Assistance For Qualified Severely Impaired Individuals  
140.8 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy  
140.10 Medical Assistance Provided to Incarcerated Persons

## SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Section  
140.11 Enrollment Conditions for Medical Providers  
140.12 Participation Requirements for Medical Providers  
140.13 Definitions  
140.14 Denial of Application to Participate in the Medical Assistance Program  
140.15 Recovery of Money  
140.16 Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program  
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

Section  
140.18 Effect of Termination on Individuals Associated with Vendor

140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring Submittal of Claims  
140.20 Magnetic Tape Billings  
140.21 Payment of Claims  
140.22 Payment Procedures  
140.23 Overpayment or Underpayment of Claims  
140.24 Payment to Factors Prohibited  
140.25 Assignment of Vendor Payments  
140.26 Record Requirements for Medical Providers  
140.27 Audits  
140.28 False Reporting and Other Fraudulent Activities  
140.29 Prior Approval for Medical Services or Items  
140.30 Prior Approval in Cases of Emergency  
140.31 Limitation on Prior Approval  
140.32 Post Approval for Items or Services When Prior Approval Cannot Be Obtained  
140.33 Drug Manual (Recodified)  
140.34 Drug Manual (Recodified)  
140.35 Drug Manual Updates (Recodified)

## SUBPART C: HOSPITAL SERVICES

Section  
140.94 Hospital Services  
140.95 Participation  
140.96 General Requirements  
140.97 Special Requirements  
140.98 Covered Hospital Services  
140.99 Hospital Services Not Covered  
140.100 Limitation On Hospital Services  
140.101 Transplants  
140.102 Heart Transplants  
140.103 Liver Transplants  
140.104 Bone Marrow Transplants  
140.110 Disproportionate Share Hospital Adjustments (Emergency Expired)  
140.116 Payment for Inpatient Services for GA  
140.117 Hospital Outpatient and Clinic Services  
140.120 Payment for Hospital Services During Fiscal Year 1982  
140.201 Payment for Hospital Services After June 30, 1982 (Repealed)  
140.202 Payment for Hospital Services During Fiscal Year 1983  
140.203 Limits on Length of Stay by Diagnosis



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

Section	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting
140.300	Copayments
140.350	Payment Methodology
140.360	Non-Participating Hospitals
140.361	Pre July 1, 1989 Services
140.362	Post June 30, 1989 Services
140.363	Prepayment Review
140.364	Base Year Costs
140.365	Restructuring Adjustment
140.366	Inflation Adjustment
140.367	Volume Adjustment (Repealed)
140.368	Groupings
140.369	Rate Calculation
140.370	Payment
140.371	Review Procedure
140.372	Utilization (Repealed)
140.373	Alternatives
140.374	Exemptions
140.375	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.376	Subacute Alcoholism and Substance Abuse Services Definitions
140.390	Types of Subacute Alcoholism and Substance Abuse Services
140.391	Payment for Subacute Alcoholism and Substance Abuse Services
140.392	Rate Appeals for Subacute Alcoholism and Substance Abuse Services
140.394	Hearings

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section	Payment to Practitioners and Laboratories
140.400	Physicians' Services
140.410	Covered Services By Physicians
140.411	Services Not Covered By Physicians
140.412	Limitation on Physician Services
140.413	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.414	Optometric Services and Materials
140.416	Limitations on Optometric Services
140.417	Department of Corrections Laboratory
140.418	Dental Services
140.420	Limitations on Dental Services

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

Section	Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists
140.422	Podiatry Services
140.425	Limitations on Podiatry Services
140.426	Requirements for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.427	Chiropractic Services
140.428	Limitations on Chiropractic Services
140.429	Independent Laboratory Services
140.430	Services Not Covered by Independent Laboratory
140.431	Limitations on Independent Laboratory Services
140.432	Payment for Laboratory Services
140.433	Record Requirements for Independent Laboratories
140.434	Pharmacy Services
140.440	Pharmacy Services Not Covered
140.441	Prior Approval of Prescriptions
140.442	Filling of Prescriptions
140.443	Compounded Prescriptions
140.444	Prescription Items (Not Compounded)
140.445	Over-the-Counter Items
140.446	Reimbursement
140.447	Returned Pharmacy Items
140.448	Payment of Pharmacy Items
140.449	Record Requirements for Pharmacies
140.450	Mental Health Clinic Services
140.452	Definitions
140.453	Types of Mental Health Clinic Services
140.454	Payment for Mental Health Clinic Services
140.455	Hearings
140.456	Clinic Services
140.460	Clinic Participation Requirements
140.461	Covered Services in Clinics
140.462	Encounter Rate Clinics
140.463	Psychiatric Clinics (Hospital-based)
140.464	Speech and Hearing Clinics
140.465	Rural Health Clinics
140.466	Independent Clinics
140.467	Hospice
140.469	Home Health Services
140.470	Home Health Covered Services
140.471	Types of Home Health Services
140.472	Prior Approval for Home Health Services
140.473	Payment for Home Health Services
140.474	Medical Equipment, Supplies and Prosthetic Devices
140.475	Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

Section	
140.477	Limitations on Equipment, Supplies and Prosthetic Devices
140.478	Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
140.479	Approval of Medical Supplies
140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies and Prosthetic Devices
140.482	Family Planning Services
140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Medicheck Services
140.486	Limitations on Medicheck Services
140.487	Payment on Medicheck Services
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.495	Psychological Services
140.496	Payment for Psychological Services

## SUBPART E: GROUP CARE

Section	
140.500	Group Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Continuation of Payment Because of Threat To Life
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Services Provided Without Charge
140.512	Utilization Control
140.513	Utilization Review Plan
140.514	Certifications and Recertifications of Care
140.515	Management of Recipient Funds--Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds--Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Eligibility For Quality Incentive Program (QUIP)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

Section	
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP)
140.527	Quality Incentive Survey
140.528	Payment of Quality Incentive
140.529	Reviews
140.530	Basis of Payment for Group Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Nurse's Aide Training
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports-Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports
140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
140.551	General Service Costs
140.552	Nursing and Program Costs
140.553	General Administrative Costs
140.554	Component Inflation Index
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Incentive Payments for Quality Care
140.566	Level I Incentive Payments
140.567	Level II Incentive Payments
140.568	Duration of Incentive Payments
140.569	Clients With Exceptional Nursing Care Needs
140.570	Capital Rate Component Determination
140.571	Fair Rental Value (FRV) Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Costs for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

Section	
140.580	Mandated Capital Improvements
140.581	Qualifying as Mandated Capital Improvement
140.582	Cost Adjustments
140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.642	Pre-Screening Assessment
140.643	In-Home Care Program
140.645	Medical and In-Home Care For Disabled Persons Under Age 21
140.646	Reimbursement for Developmental Training for the Mentally Retarded Who Reside in Long Term Care Facilities
140.647	Description of Developmental Training Service Levels
140.648	Determination of the Amount of Reimbursement for Day Programming for the Mentally Retarded
140.649	Effective Dates of Reimbursement for Day Programs
140.650	Certification of Day Programs
140.651	Certification of Day Programs
140.652	Terms of Assurances and Contracts
140.680	Effective Date Of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care

## SUBPART F: POINT COUNT GUIDELINES FOR ICF/MR AND SNF/PED FACILITIES

Section	
140.850	Facility/Client Participation (Recodified)
140.855	Evaluation of Need For Care (Recodified)
140.860	Payment (Recodified)
140.865	Definitions (Recodified)
140.870	Guidelines (Recodified)
140.875	Intermediate Care (ICF/MR) (Recodified)
140.880	Skilled Care (SNF/PED) (Recodified)
140.885	Statewide Rates (Recodified)
140.890	Reimbursement for ICF/MR-15 and Under Facilities (Recodified)
140.895	Night Shift Reimbursement (Recodified)
140.896	Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

## SUBPART G: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

Section	
140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)

## SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section	
140.940	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942	Definition of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)

140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)

TABLE A	Medichex Recommended Screening Procedures
TABLE B	Health Service Areas



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

## Section

TABLE C	Capital Cost Areas
TABLE D	Schedule of Dental Procedures
TABLE E	Time Limits for Processing of Prior Approval Requests
TABLE F	Podiatry Service Schedule
TABLE G	Travel Distance Standards
TABLE H	Staff Time and Allocation by Need Level (Recodified)
TABLE I	Staff Time and Allocation for Training Programs (Recodified)
TABLE J	HSA Grouping

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.913 Table H and 140.914 Table I reclassified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.206 Table A and 147.207 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 reclassified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 reclassified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 140.43 Post Approval for items or Services When Prior Approval Cannot Be Obtained

a) Post approval may be requested for items or services provided during Department nonworking hours or when a life threatening condition exists and there is not time to call for approval.

b) To be eligible for approval consideration, the requirements for prior approval must be met and post approval requests must be received by the Department no later than 90 days from the date services or goods are provided. Exceptions to this requirement will be permitted only in the following circumstances:

1) The Department has received the patient's Medical Assistance application, but approval of the application has not been issued, as of the date of service. In such a case, the post approval request must be received no later than ninety (90) days following the date of the Department's Notice of Decision, approving the patient's application.

2) The patient did not inform the provider of his/her eligibility for Medical Assistance. In such a case, the post approval request must be received no later than six (6) months following the date of service, but will be considered for payment only if there is attached to the request a copy of the provider's dated, private pay bill or collection correspondence, which was addressed and mailed to the patient each month following the date of service.

3) A request for payment was submitted to a third party billing within six (6) months following the date of service. In such a case, a post approval request must be received by the Department no



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

Section 140.43 Post Approval for items or Services When  
Prior Approval Cannot Be Obtained (Cont'd)  
later than 90 days from the date of final  
adjudication by the third party.

(Source: Added at 13 Ill. Reg. 7025, effective April 24,  
1989)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF RECODIFICATION

- 1) The Heading of the Part: POINT COUNT GUIDELINES FOR  
ICF/MR AND SNF/PED FACILITIES
- 2) Code Citation: 89 Ill. Adm. Code 146
- 3) Date of Administrative Code Division Review: April 19, 1989
- 4) Headings and Section Numbers of the Part Being Recodified:

Section NumbersHeadings

140.850	SUBPART F: POINT COUNT GUIDELINES FOR ICF/MR AND SNF/PED FACILITIES Facility/Client Participation
140.855	Evaluation Of Need For Care
140.860	Payment
140.865	Definitions
140.870	Guidelines
140.875	Intermediate Care (ICF/MR)
140.880	Skilled Care (SNF/PED)
140.885	Statewide Rates
140.890	Reimbursement for ICF/MR-15 and Under Facilities
140.895	Night Shift Reimbursement
140.896	Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled

- 5) Outline of the Section Numbers and Headings of the Part as  
Recodified:



## DEPARTMENT OF PUBLIC AID

## NOTICE OF RECODIFICATION

## DEPARTMENT OF PUBLIC AID

## NOTICE OF RECODIFICATION

<u>Section Numbers</u>	<u>Headings</u>	<u>Section Numbers</u>	<u>Headings</u>
146.5	Facility/Client Participation	140.880	146.125
146.25	Evaluation Of Need For Care	140.885	146.150
146.50	Payment	140.890	146.175
146.75	Definitions	140.895	146.200
146.100	Guidelines	140.896	146.225
146.105	Intermediate Care (ICF/MR)		
146.125	Skilled Care (SNF/PED)		
146.150	Statewide Rates		
146.175	Reimbursement for ICF/MR-15 and Under Facilities		
146.200	Night Shift Reimbursement		
146.225	Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled		

## 6) Conversion Table of Present and Recodified Parts:

<u>Present Part</u> <u>(Section Numbers)</u>	<u>Recodified Part</u> <u>(Section Numbers)</u>
140.850	146.5
140.855	146.25
140.860	146.50
140.865	146.75
140.870	146.100
140.875	146.105



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

1) The Heading of the Part: Reimbursement for Nursing Costs for Geriatric Facilities

2) Code Citation: 89 Ill. Adm. Code 147

3) Section Number: Adopted Action:  
147.205 Amendment

4) Statutory Authority: Sections 5-5.1 through 5-5.7 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-5.1 through 5-5.7)

5) Effective Date of Amendment: April 24, 1989

6) Does this rulemaking contain an automatic repeal date?  
Yes X No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: April 24, 1989

9) Notice of Proposal Published in Illinois Register:

October 28, 1988 (12 Ill. Reg. 17201)

10) Has JCAR issued a Statement of Objections to this rule?  
Yes.

A) Statement of Objection: April 21, 1989 (13 Ill. Reg. 5800)

B) Agency Response: May 5, 1989 (13 Ill. Reg. 7148 )  
(Issue Date)

C) Date Agency Response Submitted for Approval to JCAR:  
April 19, 1989

11) Differences between proposal and final version:

Various formatting changes were made in response to comments received from Mimi Griffiths of the Administrative Code Division of the Secretary of State's office.

Commas were added after references to years in dates.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

In subsection c), eighth line, after "HSA" the language "(Health Service Area; see Section 140 Table B)" was added in response to JCAR comments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an Emergency Amendment currently in effect? No

14) Are there any amendments pending on this Part?

Section Numbers Proposed Action Illinois Register Citation

147.25 Amendment March 24, 1989  
(13 Ill. Reg. 3562)

147.50 Amendment March 24, 1989  
(13 Ill. Reg. 3562)

15) Summary and Purpose of Amendment: This amendment establishes a new methodology for computing nursing rates for geriatric facilities.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Anita Williams  
Staff Attorney

Address: 100 South Grand Avenue East  
Office of the General Counsel  
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendment begins on the next page:



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

## PART 147

REIMBURSEMENT FOR NURSING COSTS FOR  
GERIATRIC FACILITIES

## Section

147.5 Reimbursement For Nursing Costs For Geriatric

Residents in Group Care Facilities

147.25 Functional Areas of Needs

147.50 Service Needs

147.75 Definitions

147.100 Reconsiderations

147.105 Midnight Census Report

147.125 Times and Staff Levels

147.150 Statewide Rates

147.175 Referrals

147.200 Basic Rehabilitation Aide Training Program

147.205 ~~Interim~~ Nursing Rates

TABLE A Staff Time and Allocation by Need Level

TABLE B Staff Time and Allocation for Restorative Programs

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Sections 147.5 thru 147.205 and 147. Table A and 147. Table B recodified from 89 Ill. Adm. Code 140.900 thru 140.912 and 140. Table H and 140. Table I at 12 Ill. Reg. 6956; amended at 13 Ill. Reg. 559, effective January 1, 1989; amended at 13 Ill. Reg. 7043, effective April 24, 1989.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 147.205 ~~Interim~~ Nursing Rates

- a) For residential nursing services provided to Medicaid residents in skilled and intermediate care nursing facilities from January 1, 1989, and thereafter homes-over-the-period-January-1-1987-through-December-31-1988, the Department will apply a

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

Section 147.205 ~~Interim~~ Nursing Rates (Cont'd.)

lower-bound-to-nursing-rates--During-rate-periods-when-the-Department-applies-a-lower-bound-to-nursing-rates-for-intermediate-and-skilled-care facilities, this lower-bound-for-any-facility-will-be equal-to-the-nursing-rate-paid-for-services-delivered to-Medicaid-residents-by-the-facility-over-the-period January-1-1987-through-June-30-1987--At-no-time will-this-lower-bound-be-increased- will determine nursing rates according to the following four steps:

- b) Final-nursing-rates-for-skilled-and-intermediate-care facilities-for-services-provided-to-Medicaid-residents over-the-period-January-1-1987-through-June-30-1987, will-be-determined-in-three-steps:

1)a) Calculation of preliminary nursing rate: For each facility, a preliminary nursing rate will be computed according to the methods specified in Section 147.150(b), employing reimbursable staff times as specified in Section 147. Tables A and B for all assessment items.

2)b) Calculation of minimum nursing rate: For each facility, a minimum nursing rate will be computed as the sum of the preliminary nursing rate (see Section 147.205(a) above) and sixty percent of the difference between the preliminary nursing rate and the nursing rate paid over the previous rate period. If the preliminary nursing rate is greater than the nursing rate paid over the period July 1, 1988, through December 31, 1988, the minimum rate will equal the preliminary nursing rate.

activities-of-daily-living-training-rate-and-the-nursing-rate-paid-for-services-provided to-Medicaid-residents-over-the-period-July-1-1986-through-December-31-1986--The-activities-of-daily-living-training-rate-will-be-computed-as-the-facility-mean-of-the-product-of-reimbursable-staff-minutes-(see-Section-147-Table-A)-for-training-in-Bathing-Bathing-Clothing-and-Mobility-for-all-residents-with-non-zero-scores-on-these-assessment-items-and-appropriate-staff wages-(as-per-Section-147-150(b)(1)(A))-for-all-assessed-Medicaid-residents-in-the-facility.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

Section 147.205 ~~Interim~~ Nursing Rates (Cont'd.)

c) Calculation of new computed nursing rate: for each facility, a new computed nursing rate will be equal to the sum of the preliminary nursing rate (see Section 147.205(a) above) plus a regionally adjusted factor for Care Planning equal to \$.50 per resident day statewide. The regional adjustment will be performed by multiplying \$.50 per resident day by the ratio of HSA (Health Service Area; see Section 140. Table B) area wage rates to State wage rates for a weighted staff mix of 20 percent licensed and 80 percent unlicensed direct care staff. Wage rates are computed according to Section 147.150(b)(1).

3d) Calculation of ~~final~~ final nursing rate ~~determination~~: For each facility the final nursing rate for residential services will be the greater ~~larger~~ of the ~~preliminary~~ minimum nursing rate (see Section 147.205(b) above) or the ~~minimum~~ new computed nursing rate (see Section 147.205(c) above).

(Source: Amended at 13 Ill. Reg. 7043, effective April 24, 1989)

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

- 1) The Heading of the Part: Collection of Fees
- 2) Code Citation: 92 Ill. Adm. Code 1003
- 3) Section numbers:  
1003.20  
1003.30  
1003.40  
Adopted Action:  
Amendment  
Amendment
- 4) Statutory Authority: Implementing Sections 2-124 and 3-824 and authorized by Sections 2-101 and 2-104 of the Illinois Vehicle Title and Registration Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 21-24, 3-824, 2-101 and 2-104).
- 5) Effective Date of Amendment: May 1, 1989
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 1, 1989
- 9) Notice of Proposal Published in Illinois Register:  
December 2, 1988, 12 Ill. Reg. 20019
- 10) Has JCAR issued a Statement of Objections to these amendments? Yes
  - A) State of Objection: March 17, 1989, 13 Ill. Reg. 3454
  - B) Agency Response: May 5, 1989, 13 Ill. Reg. 7150
  - C) Date Agency Response Submitted for Approval to JCAR: March 15, 1989
- 11 Differences between proposal and final version:
  1. In Section 1003.30(b)(5), deleted the blank line in the middle of the subsection.
  2. In Section 1003.40(e), line 5, added the word "subsection" in front of the subsection label referenced.
  3. In Section 1003.40(e), line 16, changed "Regulations" to "rules" and added the Code citation to enable anyone to locate these rules.
  4. In Section 1003.40(i), added a period following "1001" and before "Subpart A" in line 1.



## NOTICE OF ADOPTED AMENDMENT(S)

5. Included a slash (/) between "and" and "or" in Section 1003.30(b)(2)(B).
6. Added "per auditor" after "per half day" in each occurrence in Section 1003.40(e).
7. Cited "(80 Ill. Adm. Code 3000)" after "travel rules" in Section 1003.40(e).
8. Added "per auditor" after "per half day" in Section 1003.40(e) and (f).
9. Changed "Secretary of State" to "State of Illinois" and cited "(80 Ill. Adm. Code 3000)" in Section 1003.40(f).
10. In the Authority Note deleted the comma after "Stat." in the parenthetical.
11. Added a period after "seq" in the parenthetical in Section 1003.30(b)(2)(F).
12. Deleted the space between "financial" (line 5) and "data" (line 7) in Section 1003.30(b)(5).
13. Deleted the space between "of" (line 3) and "licensing" (line 5) in Section 1003.40(a).
14. In Section 1003.40(e), "fe" (line 5) should be "fee."
15. In Section 1003.40(e), used the acronym I.R.P. in parenthesis immediately after the first time the reference appears in the text of the rule.
16. Labelled the various subsections as follows:  
  
"g)" should be 'g)."  
"h)" should be "f)h)."  
"i)" should be "g)i)."  
"j)" should be "h)."

Label for f) is underscored

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

## NOTICE OF ADOPTED AMENDMENT(S)

- 13) Will these amendments replace an emergency rule amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules:  
  
These amendments make 3 grammatical changes, one change to an audit location to Chicago, and make more specific the provisions relating to the imposition of audit travel costs by the Secretary of State. These changes and additions are intended to put in rule form the long standing audit travel costs of this agency.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Philip S. Howe  
Counsel to the Secretary  
298 Centennial Building  
Springfield, Illinois 62706  
(217)785-3094

The full text of the Adopted Amendments begins on the next page:



## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1003  
COLLECTION OF FEES

## Section

- 1003.10 Definitions
- 1003.20 Collection and Refund
- 1003.30 Collection of All Motor Vehicle Fees
- 1003.40 Audits for Truck License Fees
- 1003.50 Use of State Comptroller's Offset Authority
- 1003.60 Bankruptcy Discharge of Fees
- 1003.70 Invalidity

AUTHORITY: Implementing Sections 2-124 and 3-824 and authorized by Sections 2-101 and 2-104 of the Illinois Vehicle Title and Registration Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 2-124, 3-824, 2-101 and 2-104).

SOURCE: Adopted at 12 Ill. Reg. 14719, effective September 15, 1988; amended at 13 Ill. Reg. 7048, effective May 1, 1989.

## Section 1003.20 Collection and Refund

- a) The refund of registration fees paid to the Secretary of State shall occur if the registration is cancelled, or a duplicate registration occurred or excess fees were paid.
- b) If cancelled registration meets any of the following criteria, a refund may will be paid by the Secretary of State if the registration plate was not used on the vehicle, and is returned to the Secretary, and if the cancelled registration does not meet these criteria, then a refund will be denied.
  - 1) If the registrant is moving out of Illinois, a refund request or letter stating that fact is required prior to refund actions being initiated.
  - 2) If the registrant's vehicle was stolen and not recovered, a notarized statement from the applicant is required stating the date the vehicle was stolen.
  - 3) If the registrant sells the vehicle and the unused registration is returned after the display date, a notarized statement concerning the last operation date of the vehicle is required.
  - 4) If the registered vehicle is damaged or inoperable, the plates must be returned with a notarized statement concerning the last operation date of the vehicle. This applies to requests on refunds applied for after the display date.

## NOTICE OF ADOPTED AMENDMENT(S)

- 5) If the registered vehicle will be stored and not operated for the entire registration year, a notarized statement is required along with the return of the plates and sticker.
- 6) If the registrant has died, then the executor or administrator of the estate must sign a statement and attach a copy of the death certificate, surrender the plates, and must adhere to Section 3-824(c) of the Illinois Vehicle Title and Registration Law (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 3-824(c)).

c) If a registration is a duplicate, then to obtain a refund, the duplicate set of plates or ~~duplicate~~ duplicate sticker must be returned, with the registration and a photocopy of the retained registration. A written request for a refund must also be submitted.

d) If an excess fee is paid and a refund sought, the registrant must request the refund in writing within 6 months of the date of payment.

e) Applicable to all requests for refund are the requirements that:

- 1) The vehicle the refund is requested upon must have been registered in prior registration year by the same owner.
- 2) For plates returned after the display date, the applicant must submit a notarized statement indicating the last operation date of the vehicle.
- 3) Proof of payment must be submitted (cash receipts, cash tickets, a photocopy of the cancelled checks, if the Secretary of State records do not show payment was made).
- 4) After the registrant has applied for the registration plates or sticker no refund can be requested or paid until after the registrant receives the plates or sticker.
- 5) Refunds will not be granted for replacement plates unless the applicant specifically requests the same registration plate number. If the same number is not requested, the refund will be withheld to cover the costs of the transaction.
- f) Refunds will not be granted for any title-related transaction.
- g) All requests for refunds must be submitted in writing to the Department of Accounting Revenue, Refund Division, Room 235, Centennial Building, Springfield, Illinois 62756.

(Source: Amended at 13 Ill. Reg. 7048, effective May 1, 1989)

## Section 1003.30 Collection of All Motor Vehicle Fees

- a) If a person has not paid the total fee due and owing, due to miscalculation or any other reason, the Department of Accounting Revenue shall send two notices, each 30 calendar days apart, to the address shown on the records of the Secretary of State, asking for the additional fees to be paid. The notices will be mailed by regular mail. If no payment is made within 30 days following the date of the first letter, then the registration or drivers license record of the person shall be tagged on the computer record with a notation that money is owed, and this action will prevent the renewal of the drivers license or registration without payment of the additional fee. If no payment is made within 30 calendar days of the date of the second



NOTICE OF ADOPTED AMENDMENT (S)

NOTICE OF ADOPTED AMENDMENT (S)

letter, then the drivers license of the person shall be cancelled pursuant to Section 6-201(3) of the Act, except if the driver has demonstrated that the amount owed is not correct and is in dispute, or the driver has demonstrated good faith attempts to make restitution of the amount owed, or if the amount is \$5.00 or less.

b) Checks returned because of insufficient funds.

1) If a personal check for any fee collectible by the Secretary of State pursuant to the Act (Ill. Rev. Stat. 1987, ch. 95 1/2) is returned because of insufficient funds, the Secretary, through the Department of Accounting Revenue, shall send the check to the check writer's bank again for collection.

2) If the check is again returned because of insufficient funds, or other reasons, the Department of Accounting Revenue shall notify the check writer by mail that:

A) payment is due within 10 calendar days of the date of the notice;

B) if the Secretary of State does not receive payment, he shall cancel the check writer's Illinois drivers license and/or he shall revoke and retrieve the registration plate, as the case may be;

C) the Attorney General may file a lawsuit;

D) the Comptroller shall deduct from any State funds due to the check writer the amount of money due and owing to the Secretary of State pursuant to Section 10.5 of the State Comptroller Act (Ill. Rev. Stat. 1987, ch. 15, par. 210.05);

E) the provisions of Section 3-821(c) of the Act shall apply; and

F) the Secretary will apply the provisions of the Illinois State Collection Act of 1986 (Ill. Rev. Stat. 1987, ch. 15, pars. 151 et seq.).

3) If the fee is not paid within 15 calendar days following the date of the notice required by subsection (b) (2) of this Section, then the drivers license of the check writer and or registrant will be cancelled (Section 6-201 (a) (3) of the Act) and the individual(s) notified by mail of the cancellation. After this procedure is completed, a collection order is issued and the license plates involved are tagged on the registration computer file so that no renewal can be accomplished without payment of the fee.

4) A collector shall call upon the check writer to attempt to collect for the returned check. The collector will take any registration plates from a vehicle for which the fee has not been paid. The collector will not accept partial payment, nor personal or business checks. Payment must be in cash, money order or certified check.

5) Should any check writer contacted, pursuant to this Section, acknowledge the debt and desire to pay on an installment basis, then an installment agreement may be entered into with the Department of Accounting Revenue, if approved by the Director of that Department, after his examination of the personal financial data submitted by the check writer demonstrates his or her financial ability to pay on an installment basis and his or her inability to pay the entire amount owed immediately. The installment agreement shall contain the following terms and conditions:

- A) The amount owed must exceed \$500.00.
- B) The agreement shall not exceed 3 months in duration, with three equal payments being made.
- C) The check writer acknowledges the debt and all penalties and interest.
- D) The check writer waives any statute of limitations defense.
- E) The check writer confesses judgment if the terms of the agreement are not met.
- F) The check writer agrees that the agreement will be cancelled if the payment schedule is not met.
- G) The drivers license will be cancelled and/or the registration plates revoked and surrendered if the agreement is not fulfilled by the check writer.
- c) All accounts remaining uncollected after the procedures in this Section have been applied shall be referred to the Attorney General of Illinois for collection and the Comptroller of Illinois shall be notified to withhold any payments due by the State to the check writer pursuant to the State Comptroller Act.
- d) All persons who have had checks returned because of insufficient funds must make all future fee payments by cash, certified check, or money order (Section 3-801 of the Act).
- e) The procedures of this Section shall be applied to corporations or other business entities which fail to pay fees or write checks which are returned because of insufficient funds in the corporation's checking account.

(Source: Amended at 13 Ill. Reg. 7048, effective May 1, 1989)

Section 1003.40 Audits for Truck License Fees

a) All licensees selected by the Department of Accounting Revenue for auditing shall be notified by letter sent by regular mail of the purpose of the audit, the date and location of the audit, the years of licensing to be examined, the records required to be provided for the auditor, and the consequences of non-appearance for the audit (to include assessments at 100% of miles run), suspension of all registration plates and stickers, and collection action filed by the Attorney General of Illinois in the Circuit Court of venue.

b) The provisions of Section 2-124 of the Act shall apply to all audits.

c) Illinois based truck licensees shall produce their records and be audited at the ~~Hillside~~ Chicago or Springfield, Illinois, offices of the Department of Accounting Revenue. Illinois based truck licensees who fail to appear for a scheduled audit meeting, and who request another appointment for auditing shall report to the ~~Hillside~~ Chicago or Springfield offices, whichever is closest to the licensee's office. Requests for reaudits for which 100% assessments have been applied must be submitted to the Department of Accounting Revenue before the 30 day notice provided for in Section 2-124(h) and (j) of the Act has expired.

d) No costs shall be assessed against a licensee for audits conducted at Secretary of State offices, ~~except~~ as provided in Section 2-124(d) of the Act.



## ILLINOIS REGISTER

SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

e) For non-Illinois based truck licensees, all audit expenses and transportation costs shall be assessed, regardless of the amount of any assessment or if any assessment is made. For Illinois based International Registration Plan (I.R.P.) audits conducted within the State of Illinois except as subsection (d) above, an audit fee of \$50.00 per day or \$25.00 per half day per auditor shall be assessed if an assessment is found to be due and owing the State of Illinois or an I.R.P. jurisdiction. In the case of an audit of an Illinois based International Registration Plan licensee that takes place outside the State of Illinois, transportation costs incurred, such as: airplane, automobile, train, car rental, taxi, etc., shall be assessed in addition to the audit fee of \$50.00 per day or \$25.00 per half day per auditor, and will be assessed regardless of the amount of the assessment or if any assessment is made. The cost of personal or state owned automobile usage shall be equivalent to the reimbursement mileage rate as provided by the State of Illinois travel rules (80 Ill. Adm. Code 3000). If more than one licensee is audited on a single trip, the transportation costs shall be apportioned between the companies based on the amount of time spent at each company.

f) For audits of non-Illinois based licensees that take place within the State of Illinois except as subsection (d) above, an audit fee of \$50.00 per day or \$25.00 per half day per auditor shall be assessed if any assessment is found to be due and owing the State of Illinois. In the case of an audit of a non-Illinois based licensee that takes place outside the State of Illinois, transportation costs incurred such as: airplane, automobile, train, car rental, taxi, etc., shall be assessed in addition to the audit fee of \$50.00 per day or \$25.00 per half day if an assessment is found to be due and owing the State of Illinois. The cost of personal or state owned automobile usage shall be equivalent to the reimbursement mileage rate as provided by the State of Illinois travel rules (80 Ill. Adm. Code 3000). If more than one licensee is audited on a single trip, the transportation costs shall be apportioned between the companies based on the amount of time spent at each company.

g) No charge shall be assessed for auditor trainee being trained on the job by an auditor. If an auditor trainee performs an audit the audit fee of \$50.00 per day or \$25.00 per half day per auditor shall be assessed.

h) A notice of any deficit and the amount of money owed to the Secretary of State shall be sent by regular mail to the truck licensee. Payment is due within 30 calendar days of the date of the written notice or the registration plates shall be suspended, unless a hearing is requested, in accordance with Section 2-124(i) of the Act.

## ILLINOIS REGISTER

SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

g) i) The rules at 92 Ill. Adm. Code 1001.Subpart A shall apply to any hearing requested by a truck licensee pursuant to Section 2-124(j) of the Act.

h) Audit costs are assessed as provided in 92 Ill. Adm. Code 1000-120-

(Source: Amended at 13 Ill. Reg. 7048, effective May 1, 1989 )



DEPARTMENT OF TRANSPORTATION  
NOTICE OF PEREMPTORY RULES

- 6) Effective Date: April 25, 1989
- 7) A Complete Description of the Subjects and Issues Involved:

**Peremptory Action:**

518.10, 518.15, 518.20, 518.100, 518.105,	New Section
518.110, 518.115, 518.120, 518.125, 518.130,	New Section
518.135, 518.140, 518.145, 518.200, 518.300,	New Section
518.305, 518.310, 518.315, 518.320, 518.400,	New Section
518.405, 518.410, 518.415, 518.420, 518.500,	New Section
518.505, 518.600, 518.700, 518.705, 518.710,	New Section
518.715, 518.720, 518.725, 518.730, 518.735,	New Section
518.740, 518.745, 518.750, 518.800, 518.805,	New Section
518.810, 518.815, 518.820, 518.825, 518.830,	New Section
518.835, 518.840, 518.845, 518.850, 518.855,	New Section
518.860, 518.865, 518.870, 518.875, 518.900,	New Section
518.905, 518.910, 518.915, 518.920, 518.925,	New Section
518.1000, 518.1005, 518.2000, 518.2005,	New Section
518.2010, 518.3000, 518.3005, 518.3010,	New Section
518.4000, 518.4005, 518.4010, 518.4015,	New Section
518.4020, 518.4025, 518.4030, 518.4035,	New Section
518.4040, 518.4045, 518.4050, 518.4055,	New Section
518.4060, 518.4065, 518.4070, 518.4075,	New Section
518.4080, 518.4085, 518.4090, 518.4095,	New Section
518.4100, 518.5000, 518.Exhibit A	New Section

- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires This Peremptory Rulemaking: 54 FR 8912, dated March 2, 1989
- 5) Statutory Authority: Implementing Sections 3-107.1 through 3-107.1f and Section 4-511 of the Illinois Highway Code (Ill. Rev. Stat. 1987, ch. 121, pars. 3-107.1 through 3-107.1f and 4-511 as amended by P.A. 85-1407, effective September 22, 1988); which were required by Sections 103, 210 and Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Public Law 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 Note); Department of Transportation Act (49 U.S.C. 1655); Delegation of Authority by the Secretary of Transportation (49 CFR 1.48(dd), 1987); Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs (54 FR 8912, effective March 2, 1989); Title VI Program and Related Statutes - Implementation and Review Procedures (23 CFR 200, 1988) and authorized by Section 3-107.1e of the Illinois Highway Code (Ill. Rev. Stat. 1987, ch. 121, par. 3-107.1e).

- 6) Effective Date: April 25, 1989
- 7) A Complete Description of the Subjects and Issues Involved:

This rule is mandated by the adoption of rules by the United States Department of Transportation to govern implementation of the Uniform Assistance and Real Property Acquisition Policies Act of 1987 (the Uniform Act), as amended by the Uniform Relocation Act of 1987, Title IV of the Surface Transportation and Uniform Relocation Amendments Act of 1987, Pub.L. 100-17, 101 Stat. 2446-256.

The Uniform Act applies to all federal or federally assisted activities that involve the acquisition of real property or the displacements caused by rehabilitation and demolition activities. The 1987 Amendments require the Illinois Department of Transportation (Department) to establish procedures and make interpretations to implement provisions of the Uniform Act. The 1987 Amendments became mandatory on April 2, 1989. The Federal Highway Administration published its Final Rule at 54 FR 8912, March 2, 1989. The Department hereby adopts the federal rules and those changes relative to relocation assistance and improvements.

This Part has been developed and adopted to assure the prompt and equitable relocation and reestablishment of persons, businesses, farm operations and nonprofit organizations displaced as a result of the acquisition of right-of-way for State highway construction projects. This Part establishes a means of providing relocation services and of making moving cost payments, replacement housing cost payments, and other expense payments in order that such displaced persons or businesses do not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole. The Federal Highway Administration can deny funding unless Illinois has adopted correct procedures and the Department provides assurances that the federally mandated rules will be followed from and after their effective date. This Part is also designed to comply with federal requirements and obtaining financial participation in federal projects.

This Program requires the Department to follow procedures so that every individual displaced because of State highway programs will have, or will have been offered, a comparable decent, safe and sanitary dwelling to move into upon being required to vacate the dwelling acquired. This Part also requires that relocation services be furnished and that payments be made to those who are required to relocate to compensate for, in whole or in part, costs incurred for moving, replacement housing and other expenses. In addition, this Part provides for a review procedure to encourage amicable resolution of controversies that may arise concerning payments.



## DEPARTMENT OF TRANSPORTATION

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

## NOTICE OF PEREMPTORY RULES

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed in Agency's Principal Office: April 20, 1989
- 10) This rule is in compliance with Section 5.03 of the Illinois Administrative Procedure Act.
- 11) Are there any proposed amendments pending to this Part? No
- 12) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 13) Information and questions regarding this adopted preemptory rule shall be directed to:

Jack Eleopoulos  
Room 218, Bureau of Land Acquisition  
Division of Highways  
2300 South Dirksen Parkway  
Springfield, Illinois 62702  
(217) 782-2822

The full text of the Peremptory rules begins on the next page:

TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER f: HIGHWAYS

PART 518  
RELOCATION ASSISTANCE AND PAYMENTS PROGRAM

## SUBPART A: GENERAL PROVISIONS

Purpose	Section
Compliance with Other Laws and Regulations	518.10
Definitions	518.15
	518.20

## SUBPART B: ASSURANCES OF PROGRAM

Replacement Housing	Section
Eviction For Cause	518.100
Deductions From Relocation Payments	518.105
Relocation Payments Not Considered As Income	518.110
Prevention of Fraud, Waste, and Mismanagement	518.115
Administration of Jointly Funded Federal-Aid Projects	518.120
Federal or State Agency Waiver of Regulations	518.125
Manner of Notices	518.130
No Duplication of Payments	518.135
Basic Eligibility Requirements	518.140
	518.145

## SUBPART C: CLAIMS

Claims for Relocation Payments	Section
	518.200

## SUBPART D: RELOCATION ASSISTANCE ADVISORY SERVICES

General Information on Advisory Services Offered To Whom Provided Advisory Services	Section
Minimum Advisory Assistance Requirements	518.300
District Relocation Office	518.305
Subsidiary Project Relocation Office	518.310
	518.315
	518.320

## SUBPART E: PUBLIC INFORMATION

General Requirements	Section
	518.400



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

Section  
518.405  
518.410  
518.415  
518.420

Notice of Relocation Eligibility  
Personal Notice of Relocation Program  
Notice of Displacement  
Thirty Day Specific Date Written Notice to Vacate

## SUBPART F: REVIEWS - DISPUTED CLAIMS

Section  
518.500  
518.505

Denial of Claim and Method of Review  
Time Limit For Review

## SUBPART G: COMPLIANCE WITH FAIR HOUSING LAWS

Section  
518.600

Compliance with State and Federal Fair Housing Laws (Civil Rights)

## SUBPART H: MOVING PAYMENTS

Section

518.700  
518.705  
518.710  
518.715  
518.720  
518.725  
518.730  
518.735  
518.740  
518.745  
518.750

Payment Authorization  
Moving and Related Expense Payments - General Provisions For All Relocated Individuals, Families, Businesses, and Farm Operations  
Ineligible Moving and Related Expenses  
Residential Moving Payments For Individuals and Families  
Actual Reasonable Moving Expenses (Section 3-107.1 of the Code, as amended by P.A. 85-1407, effective September 22, 1988)  
Fixed Rate Room Count Moving Expense Schedule  
Owner-Occupants of Multi-Family Dwellings  
Filing the Claim For Payment  
Payment For Actual Reasonable Moving and Related Expenses - Non-Residential Moves  
Fixed Payment For Moving Expenses - Non-Residential Moves  
Reestablishment Expenses - For Small Businesses, Farm Operations, and Non-Profit Organizations

## SUBPART I: REPLACEMENT HOUSING PAYMENTS

Section  
518.800  
518.805  
518.810  
518.815  
518.820  
518.825  
518.830  
518.835

General Provisions For Replacement Housing Payments  
Occupancy Provisions  
Inspection For Decent, Safe and Sanitary Housing  
Statement of Eligibility to Lending Agency  
Application For Replacement Housing Or Rent Supplement Payments  
Advance Replacement Housing Payments in Condemnation Cases  
Nature of Acquisition and Offer  
Whole Takes

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

Section  
518.840  
518.845  
518.850  
518.855  
518.860  
518.865  
518.870  
518.875

Partial Takes  
Dwelling on Land with Higher and Better Use  
Multiple Occupancy of Same Displacement Dwelling Unit  
Joint Residential and Business Use  
Payment After Death  
Insurance Proceeds  
Occupancy Requirements For Displacement or Replacement Dwelling  
Conversion of Payment

## SUBPART J: REPLACEMENT HOUSING PAYMENTS FOR ONE HUNDRED AND EIGHTY DAY OWNER WHO PURCHASES

Section  
518.900  
518.905  
518.910  
518.915  
518.920  
518.925

General Requirements For One Hundred and Eighty Day Owner  
Amount of Replacement Housing Payment  
Increased Interest Payments  
Incidental Expenses - Amount of Payment  
Combined Payments Not to Exceed \$22,500  
Owner Retention

## SUBPART K: SUPPLEMENTAL PAYMENT FOR ONE HUNDRED AND EIGHTY DAY OWNER WHO RENTS

Section  
518.1000  
518.1005

General Information on Supplemental Payment  
Computation and Disbursement of Payment

## SUBPART L: REPLACEMENT HOUSING PAYMENT FOR NINETY DAY OCCUPANTS

Section  
518.2000  
518.2005  
518.2010

Eligibility For Ninety Day Occupants  
Rental Assistance Payment  
Downpayment Assistance Payment

## SUBPART M: REPLACEMENT HOUSING AS LAST RESORT

Section  
518.3000  
518.3005  
518.3010

Purpose For Last Resort Housing  
Eligibility Requirements For Last Resort Housing  
Applicability For Utilization of Last Resort Housing

## SUBPART N: MOBILE HOMES

518.4000  
518.4005  
518.4010

Scope - Mobile Homes  
Applicability - Moving the Mobile Home  
Other Directives



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

Section	Acceptability of the Mobile Home
518.4015	Mobile Home Park Entrance Fees
518.4020	Partial Acquisition of Mobile Home Park
518.4025	Mobile Home as Replacement Dwelling
518.4030	General Rules For Replacement Housing or Rent Supplement
518.4035	Payment Computations
518.4040	No Available Comparable Replacement Site
518.4045	Moving Expenses
518.4050	Replacement Housing Payment For One Hundred and Eighty Day
518.4055	Mobile Homeowner-Occupants
518.4060	Acquisition of Site Only
518.4065	Acquisition of Mobile Home Only - Owner-Occupant Rents Site
518.4070	Acquisition of Rented Site Only--Mobile Home Not Acquired
518.4075	Replacement Housing Payment For Ninety Day Owner-Occupants
518.4080	Acquisition of Mobile Home and Site
518.4085	Acquisition of Site Only From Owner-Occupant of Mobile Home
518.4090	Acquisition of Mobile Home Only - Owner-Occupant Rents Site
518.4095	Rent Supplement Payment to Tenants - Occupants of Mobile Homes
518.4100	For Ninety Days or More
	Claim Forms

## SUBPART 0: INCIDENTAL EXPENSES

Section 518.5000	Eligible Incidental Expenses on Transfer of Real Property to the State
518.Exhibit A	Residential Moving Expense and Dislocation Allowance
AUTHORITY: Implementing Sections 3-107.1 through 3-107.1f and Section 4-511 of the Illinois Highway Code (Ill. Rev. Stat. 1987, ch. 121, pars. 3-107.1 through 3-107.1f and 4-511 as amended by P.A. 85-1407, effective September 22, 1988); which were required by Sections 103, 210 and Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Public Law 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 Note); Department of Transportation Act (49 U.S.C. 1655); Delegation of Authority by the Secretary of Transportation (49 CFR 1.48(dd), 1987); Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs (54 FR 8912, effective March 2, 1989); Title VI Program and Related Statutes - Implementation and Review Procedures (23 CFR 200, 1988) and authorized by Section 3-107.1e of the Illinois Highway Code (Ill. Rev. Stat.1987, ch. 121, par. 3-107.1e).	

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

SOURCE: Peremptory rules adopted at 13 Ill. Reg. 7057, effective Apr. 25, 1989

NOTE: Bold face print denotes statutory language.

## SUBPART A: GENERAL PROVISIONS

## Section 518.10 Purpose

The purpose of this Part is to provide relocation and reestablishment of persons, businesses, farm operations and nonprofit organizations displaced as a result of the acquisition of right-of-way for State highway construction projects. This Part is intended to establish a means of providing relocation services and of making moving cost payments, replacement housing cost payments, and other expense payments in order that such displaced persons or businesses do not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole. It is also designed to assure compliance with Federal requirements in order to assure Federal participation on Federally-aided projects. (54 FR 8928, effective March 2, 1989)

## Section 518.15 Compliance with Other Laws and Regulations

The implementation of this Part must be in compliance with other applicable Federal Laws and implementing regulations, including, but not limited to, the following:

- a) Section I of the Civil Rights Act of 1866 (42 U.S.C. 1982 et seq.).
- b) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).
- c) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended.
- d) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
- e) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 790 et seq.).
- f) The Flood Disaster Protection Act of 1973 (P.L. 93-234).
- g) The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).
- h) Executive Order 11063 (November 20, 1962) - Equal Opportunity and Housing, as amended by Executive Order 12259.



- i) Executive Order 11246 (September 24, 1965) - Equal Employment Opportunity.
- j) Executive Order 11625 (October 13, 1971) - Minority Business Enterprise.
- k) Executive Orders 11988 (May 24, 1977), Floodplain Management, and 11990, Protection of Wetlands.
- l) Executive Order 12250 (May 2, 1980) - Leadership and Coordination of Non-Discrimination Laws.
- m) Executive Order 12259 (December 31, 1980) - Leadership and Coordination of Fair Housing in Federal Programs.
- n) Executive Order 12670 (March 18, 1988) - Governmental Actions and Interference with Constitutionally Protected Property Rights. (54 FR 8932, effective March 2, 1989)

Section 518.20 Definitions

"Acquiring agency" - means a State agency which has the authority to acquire property by eminent domain under State law, and a State agency or person which does not have such authority, unless any such agency or person is acquiring property pursuant to the following:

Voluntary transactions when the acquiring agency has the power of eminent domain, but it will not acquire the property in the event negotiations fail to result in an amicable agreement, and the owner is so informed in writing.

The acquisition of real property from a Federal agency, State, or State agency, if the acquiring agency does not have the authority to acquire the property through condemnation.

Projects or programs undertaken by an acquiring agency or person that receives Federal financial assistance but does not have authority to acquire property by eminent domain, provided that such agency or person shall:

Prior to making an offer for the property, clearly advise the owner that it is unable to acquire the property in the event negotiations fail to result in an amicable agreement; and

Inform the owner of what it believes to be fair market value of the property, based on an appraisal.

"Agency" - means the Federal agency, State, State agency, or person that acquires the real property or displaces a person. (54 FR 8928, effective March 2, 1989)

"Appraisal" - means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of the described property as of a specific date, supported by the presentation and analysis of relevant market information. (54 FR 8928 and 8929, effective March 2, 1989)

"Business" - means any lawful activity, except a farm operation, that is conducted:

Primarily for the purchase, sale, lease or rental of personal or real property, or for the manufacture, processing, or marketing of products, commodities, or any other personal property; or

Primarily for the sale of services to the public; or

Primarily for outdoor advertising display purposes, when the display must be moved as a result of the project; or

By a nonprofit organization that has established its nonprofit status under applicable Federal or State law. (54 FR 8929, effective March 2, 1989)

"Comparable replacement dwelling" - means a dwelling which is:

"Decent, safe and sanitary" as described in this Section.

Functionally equivalent to the displacement dwelling. The term "functionally equivalent" means that it performs the same function, provides the same utility, and is capable of contributing to a comparable style of living. While a comparable replacement dwelling need not possess every feature of the displacement dwelling, the principal features must be present. Generally, functional equivalency is an objective standard, reflecting the range of purposes for which the various physical features of a dwelling may be used. However, in determining whether a replacement dwelling is



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

functionally equivalent to the displacement dwelling, the Department will consider trade-offs for specific features when the replacement unit is "equal to or better than" the displacement dwelling. A comparable replacement dwelling for a person who is not receiving assistance under any government housing program before displacement must be currently available on the private market without any subsidy under a government housing program.

A public housing unit will qualify as a comparable replacement dwelling only for a person displaced from a public housing unit; a privately-owned dwelling with a housing program subsidy tied to the unit will qualify as a comparable replacement dwelling only for a person displaced from a similarly subsidized unit or public housing; a housing program subsidy to a person (not tied to the building), such as a HUD Section 8 Existing Housing Program Certificate or a Housing Voucher, may be reflected in an offer of a comparable replacement dwelling to a person receiving a similar subsidy or occupying a privately-owned subsidized unit or public housing unit before displacement.

However, nothing in this Part prohibits the Illinois Department of Transportation (Department) from offering, or precludes a person from accepting, assistance under a government housing program, even if the person did not receive similar assistance before displacement. However, the Department is obligated to inform the person of his or her options. If a person accepts assistance under a government housing program, the rental assistance payment will be computed on the basis of the person's actual out-of-pocket cost for the replacement housing.

Adequate in size to accommodate the occupants;

In an area not subject to unreasonable adverse environmental conditions;

In a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities, and reasonably accessible to the person's place of employment;

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

On a site that is typical in size for residential development with normal site improvements, including customary landscaping. The site need not include special improvements such as outbuildings, swimming pools, or greenhouses;

Currently available to the displaced person on the private market. However, a comparable replacement dwelling for a person receiving government housing assistance before displacement may reflect similar government housing assistance; and

Within the financial means of the displaced person.

A replacement dwelling purchased by a homeowner in occupancy for at least one hundred and eighty days prior to initiation of negotiations (180-day homeowner) is considered to be within the homeowner's financial means if the homeowner is paid the full price differential, all increased mortgage interest costs and all incidental expenses as described herein plus any additional amount required to be paid under last resort housing.

A replacement dwelling rented by a displaced person is considered to be within his or her financial means if, after receiving rental assistance under this part, the person's monthly rent and utility costs for the replacement dwelling do not exceed thirty percent of average gross monthly household income.

For a displaced person who is not eligible to receive a replacement housing payment because of the person's failure to meet length-of-occupancy requirements, comparable replacement rental housing is considered to be within the person's financial means if the Agency pays that portion of the monthly housing costs of a replacement dwelling which exceeds thirty percent of such person's gross monthly household income. Such rental assistance must be paid under last resort housing provisions (see Subpart M) for a period of forty two months (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988). (54 FR 8929, effective March 2, 1989)



## NOTICE OF PEREMPTORY RULES

"Contributes materially" - means that during the two taxable years prior to the taxable year in which displacement occurs, or, during such other period as the Department determines to be more equitable, a business or farm operation:

- Had average annual gross receipts of at least \$5,000; or
- Had average annual net earnings of at least \$1,000; or
- Contributed at least thirty three and one-third percent of the owner's or operator's average annual gross income from all sources.

If the application of the above criteria creates an inequity or hardship in any given case, the Department may approve the use of other criteria as determined appropriate. (54 FR 8929, effective March 2, 1989)

"Decent, safe and sanitary dwelling" - means a dwelling which meets applicable housing and occupancy codes. However, any of the following standards which are not met by an applicable code shall apply unless waived for good cause by the Federal agency funding the project. The dwelling shall:

- Be structurally sound, weathertight, and in good repair.
- Contain a safe electrical wiring system adequate for lighting and other devices.
- Contain a heating system capable of sustaining a healthful temperature (of approximately seventy degrees) for a displaced person, except in those areas where local climate conditions do not require such a system.
- Be adequate in size with respect to the number of rooms and living space needed to accommodate the displaced person. There shall be a separate, well lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system. In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator.
- Contains unobstructed egress to safe, open space at

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

ground level. If the replacement dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.

For a displaced person who is handicapped, be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by such displaced person. (54 FR 8929, effective March 2, 1989)

"Department" - means the Illinois Department of Transportation.

"Director, Division of Highways" - means the Director acting as the Chief Executive Officer of the Division of Highways, including all nine District offices, of the Illinois Department of Transportation.

"Displaced person" - means any person who moves from the real property or moves his or her personal property from the real property:

As a direct result of a written notice of intent to acquire, the initiation of negotiations for, or the acquisition of, such real property in whole or in part for a project. This includes a person who does not meet length of occupancy requirements.

As a direct result of rehabilitation or demolition for a project; or

As a direct result of a written notice of intent to acquire, or the acquisition, rehabilitation or demolition of, in whole or in part, other real property on which the person conducts a business or farm operation, for a project. However, eligibility for such person applies only for purposes of obtaining relocation assistance advisory services and moving expenses. (54 FR 8929 and 8930, effective March 2, 1989)

"Displacing agency" - means any Federal agency carrying out a program or project, and any State, State agency, or person carrying out a program or project with Federal financial assistance, which causes a person to be a displaced person. (54 FR 8928, effective March 2, 1989)

"District Engineer" - means any one of the Registered Professional Engineers acting as the Chief Executive Officer of



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

any one of the nine District offices of the Division of Highways of the Illinois Department of Transportation.

"Dwelling" - means the place of permanent or customary and usual residence of a person, according to local custom or law, including a single family house; a single family unit in a two-family, multi-family, or multi-purpose property; a unit of a condominium or cooperative housing project; a non-housekeeping unit; a mobile home; or any other residential unit. (54 FR 8930, effective March 2, 1989)

"Farm operation" - means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support. (54 FR 8930, effective March 2, 1989)

"Federal agency" - means any department, Agency, or instrumentality in the executive branch of the Government, any wholly owned Government corporation, the Architect of the Capitol, the Federal Reserve Banks and branches thereof, and any person who has the authority to acquire property by eminent domain under Federal law. (54 FR 8928, effective March 2, 1989)

"Federal financial assistance" - means a grant, loan, or contribution provided by the United States, except any Federal guarantee or insurance and any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual. (54 FR 8930, effective March 2, 1989)

"FHWA" - means the Federal Highway Administration of the United States Department of Transportation.

"Initiation of negotiations" - means the following unless a different action is specified in applicable Federal program regulations:

Whenever the displacement results from acquisition of the real property by a Federal agency or State agency, the "initiation of negotiations" means the delivery of the initial written offer of just compensation by the Agency to the owner or the owner's representative to purchase the real property for the project. However, if the Federal agency or State agency issues a notice of its intent to acquire the real property, and a person

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

moves after that notice, but before delivery of the initial written purchase offer, the "initiation of negotiations" means the actual move of the person from the property.

Whenever the displacement is caused by rehabilitation, demolition or privately undertaken acquisition of the real property (and there is no related acquisition by a Federal agency or a State agency), the "initiation of negotiations" means the written notice (hereafter referred to as "Notice") to the person that he or she will be displaced by the project or, if there is no notice, the actual move of the person from the property.

In the case of a permanent relocation to protect the public health and welfare, under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (Pub. L. 96-510, or "Superfund") the "initiation of negotiations" means the formal announcement of such relocation or the Federal or federally-coordinated health advisory where the Federal Government later decides to conduct a permanent relocation. (54 FR 8930, effective March 2, 1989)

"Lead agency" - means the U.S. Department of Transportation acting through the Federal Highway Administration. (54 FR 8930, effective March 2, 1989)

"Mortgage" - means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby. (54 FR 8930, effective March 2, 1989)

"Nonprofit organization" - means an organization that is exempt from paying Federal income taxes under Section 501 of the Internal Revenue Code (26 U.S.C. 501) (54 FR 8930, effective March 2, 1989).

"Owner of a dwelling" - means a person is considered to have met the requirement to own a dwelling if the person purchases or holds any of the following interests in real property;

Fee title, a life estate, a ninety nine year lease, or a lease including any options for extension with at least fifty years to run from the date of acquisition; or



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

An interest in a cooperative housing project which includes the right to occupy a dwelling; or

A contract to purchase any of the above interests or estates; or

Any other interest, including a partial interest, which in the judgment of the Agency warrants consideration as ownership. (54 FR 8930, effective March 2, 1989)

"Person" - means any individual, family, partnership, corporation, or association. (54 FR 8931, effective March 2, 1989)

"Persons not displaced" - means the following list of persons, including, but not limited to, those persons who do not qualify as displaced persons under this Part:

A person who moves before the initiation of negotiations unless the Department determines that the person was displaced as a direct result of the program or the project.

A person who initially enters into occupancy of the property after the date of its acquisition for the project.

A person who has occupied the property for the purpose of obtaining assistance under the Uniform Act.

A tenant-occupant of a dwelling who has been notified on a timely basis that he or she will not be displaced by the project, provided that:

The tenant is offered an opportunity to lease and occupy a suitable, decent, safe and sanitary dwelling in the same building or nearby building on the real property.

The terms and conditions of continued occupancy are reasonable and set forth in a lease which is offered to the tenant; and

If the tenant is required to relocate temporarily, the conditions of the temporary relocation shall be reasonable; the tenant shall be reimbursed for the actual out-of-pocket expenses incurred in connection with the

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

temporary relocation, including moving costs and any increased rent/utility costs; and the temporarily occupied dwelling shall be decent, safe and sanitary as defined in this Section. (54 FR 8946, effective March 2, 1989)

An owner-occupant who moves as a result of an acquisition that is not subject to the requirements of The Uniform Act or as a result of the rehabilitation or demolition of the real property. (However, the displacement of a tenant as a direct result of any acquisition, rehabilitation or demolition for a Federal or Federally-assisted project is subject to this Part.)

A person whom the Department determines is not displaced as a direct result of a partial acquisition.

A person who, after receiving a notice of relocation eligibility is notified in writing that he or she will in fact not be displaced for a project. Such notice shall not be issued unless the person has not moved and the Agency agrees to reimburse the person for any expenses incurred to satisfy any binding contractual relocation obligations entered into after the effective date of the notice of relocation eligibility.

An owner-occupant who voluntarily sells his or her property after being informed in writing that, if a mutually satisfactory agreement of sale cannot be reached, the Agency will not acquire the property. In such cases, however, any resulting displacement of a tenant is subject to this Part.

A person who retains the right of use and occupancy of the real property for life following its acquisition by the Agency.

A person who is determined to be in unlawful occupancy or a person who has been evicted for cause, under applicable law, prior to the initiation of negotiations for the property. (54 FR 8930, effective March 2, 1989)

"Project" - means any action or series of actions undertaken by a Federal agency or with Federal financial assistance that are designed primarily to further or complete an activity or program that will benefit the public as a whole. It does not include an action or series of actions undertaken by an



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

individual or family with Federal financial assistance if such assistance is intended primarily to assist or benefit such individual or family. (54 FR 8933, effective March 2, 1989)

"Right-of-Way" - means all property, whether it is presently being used for highway purposes or not, either under the jurisdiction of the Department or owned in fee by the State of Illinois or dedicated to the People of the State of Illinois for highway purposes, for which the jurisdiction, maintenance, administration, engineering or improvement of any highway situated thereon has been contracted by the Department to any other highway authority. (Section 4-409 of the Illinois Highway Code (the Code)) (Ill. Rev. Stat. 1987, ch. 121, par. 4-409).

"Salvage value" - means the probable sale price of an item, if offered for sale on the condition that it will be removed from the property at the buyer's expense, allowing a reasonable period of time to find a person buying with knowledge of the uses and purposes for which it is adaptable and capable of being used, including separate use of serviceable components and scrap when there is no reasonable prospect of sale except on that basis. (54 FR 8931, effective March 2, 1989)

"Small business" - means a business having not more than five hundred employees working at the site being acquired or permanently displaced by a program or project. (54 FR 8931, effective March 2, 1989)

"State" - means any of the several States of the United States or the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territories of the Pacific Islands or a political subdivision of any of these jurisdictions. All references to "State" as used in this Part refers to the Illinois Department of Transportation unless otherwise identified. (54 FR 8931, effective March 2, 1989)

"State agency" - means any Department, Agency or instrumentality of a State or of a political subdivision of a State, any Department, Agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States, and any person who has the authority to acquire property by eminent domain under State law. (54 FR 8928, effective March 2, 1989)

"Subsidiary project relocation office" - means an office established near a project to facilitate the delivery of

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

relocation advisory services and payments.

"Tenant" - means a person who has the temporary use and occupancy of real property owned by another. (54 FR 8931, effective March 2, 1989)

"Uneconomic remnant" - means a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property, and which the acquiring agency has determined has little or no value or utility to the owner. (54 FR 8931, effective March 2, 1989)

"Uniform Act" - means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894; 42 U.S.C. 4601 et seq.; Pub. L. 91-646) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, 101 Stat. 246-256, Title IV of P.L. 100-17, (42 U.S.C. 4601 Note) (54 FR 8931, effective March 2, 1989)

"Unlawful occupancy" - A person is considered to be in unlawful occupancy when such person has been ordered to move by a court of competent jurisdiction prior to the initiation of negotiations for the acquisition of the occupied property. At the discretion of the displacing agency, squatters who occupy real property without the permission of the owner may be considered to be in unlawful occupancy. Technical violations of law and unlitigated violations of the terms of a lease, such as having an unauthorized pet or withholding rent because of improper building maintenance, do not render a person's occupancy unlawful. (54 FR 8931, effective March 2, 1989)

"Utility costs" - means expenses for heat, lights, water and sewer. (54 FR 8931, effective March 2, 1989)

"Utility facility" - means any electric, gas, water, steam power, or materials transmission or distribution system; and transportation system; any communications system, including cable television; and any fixtures, equipment or other property associated with the operation, maintenance, or repair of any such system. A utility facility may be publicly, privately, or cooperatively owned. (54 FR 8931, effective March 2, 1989)

"Utility relocation" - means the adjustment of a utility facility required by the program or project undertaken by the displacing agency. It includes removing and reinstalling the facility, including necessary temporary facilities; acquiring necessary right-of-way on new location; moving, rearranging or



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

changing the type of existing facilities; and taking any necessary safety and protective measures. It shall also mean constructing a replacement facility that has the functional equivalency of the existing facility and is necessary for the continued operation of the utility service, the project economy, or sequency of project construction. (54 FR 8931, effective March 2, 1989)

## SUBPART B: ASSURANCES OF PROGRAM

## Section 518.100 Replacement Housing

No family, or individual, occupying a dwelling can be displaced by the Department's highway construction projects unless and until comparable replacement housing is made available to, or provided for, all of those to be displaced by the project. In addition, no person to be displaced shall be required to move permanently from his or her dwelling unless at least one comparable replacement dwelling has been made available to the person. Where possible, three or more comparable replacement dwellings shall be made available. A comparable replacement dwelling will be considered to have been made available to a person, if:

- a) The person is informed of its location and the adjusted asking price; and
- b) The person has sufficient time to negotiate and enter into a purchase agreement or lease for the property; and
- c) Subject to reasonable safeguards, the person is assured of receiving relocation assistance and the acquisition payment, to which the person is entitled, in sufficient time to complete the purchase or lease of a property. (54 FR 8935, effective March 2, 1989)

## Section 518.105 Eviction For Cause

Eviction for cause must conform to applicable State (Ill.Rev.Stat.1987, ch. 110, par. 9-101 et. seq) and local law. Any person who has lawfully occupied the real property, but who is later evicted for cause on or after the date of the initiation of negotiations, retains the right to relocation payments and other assistance. However, the date the person moves establishes the date of the person's displacement. This provision only applies to persons who otherwise would have been displaced by the project. (54 FR 8937, effective March 2, 1989)

## Section 518.110 Deductions From Relocation Payments

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

The Department may deduct the amount of any advance relocation payment from the relocation payment(s) to which a displaced person is otherwise entitled. Similarly, when acquiring real property, the Department may deduct from relocation payments any rent that the displaced person owes to the Department; provided that no deduction shall be made if it would prevent the displaced person from obtaining comparable replacement housing as required by this Part. The Department may not withhold any part of a relocation payment to a displaced person to satisfy an obligation to any other creditor. (54 FR 8937, effective March 2, 1989)

## Section 518.115 Relocation Payments Not Considered As Income

No relocation payment received by a displaced person under this Part shall be considered as income for the purpose of the Internal Revenue Code of 1954; or, for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act; or, any other Federal law, except for any Federal law providing low income housing assistance. (54 FR 8937, effective March 2, 1989)

## Section 518.120 Prevention of Fraud, Waste, and Mismanagement

The Department will take appropriate measures to carry out the provisions of this Part in a manner that minimizes fraud, waste, and mismanagement. (54 FR 8928, effective March 2, 1989)

## Section 518.125 Administration of Jointly Funded Federal-Aid Projects

Whenever two or more Federal agencies provide financial assistance to an agency or agencies, to carry out functionally or geographically related activities which will result in the acquisition of property or the displacement of a person, the Federal agencies may, by agreement, designate one such agency as the cognizant Federal agency. At a minimum, the agreement shall set forth the federally assisted activities which are subject to its terms and cite any policies and procedures, in addition to this Part, that are applicable to the activities under the agreement. Under the agreement, the cognizant Federal agency shall assure the project is in compliance with the provisions of the Uniform Act and this Part. All federally assisted activities under the agreement shall be deemed a project for the purposes of this Part. (54 FR 8932, effective March 2, 1989)

## Section 518.130 Federal or State Agency Waiver of Regulations

The Federal or State agency funding the project may waive any requirement in 49 CFR 24 and this Part that is not required by law if it determines that the waiver does not reduce any assistance or protection provided to an owner or displaced person under this Part. Any request for a waiver shall be justified on a case-by-case basis (54 FR 8932, effective March 2, 1989).



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

## Section 518.135 Manner of Notices

Each notice which the State is required to provide to a property owner or occupant under this Part, must be personally served or sent by certified first-class mail, return receipt requested, and documented in the files. Each such notice shall be written in plain, understandable language. Persons who are unable to read and understand the notice must be provided with appropriate translation and counseling. Each notice shall indicate the name and telephone number of a person who may be contacted for answers to questions or other needed help (54 FR 8931, effective March 2, 1989).

## Section 518.140 No Duplication of Payments

No person shall receive any payment under this Part if that person receives a payment under Federal, State, or local law which is determined to have the same purpose and effect as such payment under this Part. (54 FR 8931, effective March 2, 1989)

## Section 518.145 Basic Eligibility Requirements

Basic eligibility for relocation advisory assistance and payments is established on the basis of facts existing as of the date of the initiation of negotiations. (54 FR 8935, effective March 2, 1989)

## SUBPART C: CLAIMS

## Section 518.200 Claims For Relocation Payments

- a) Any claim for any relocation payment must be supported by such documentation such as bills, certified prices, appraisals, or other evidence of such expenses. Displaced persons will be provided assistance to complete and file any required claim for payment.
- b) The Department will review claims. The claimant will be notified as to any additional documentation that is required to support the claim. Payment for a claim will be made following receipt of proper documentation to support the claim.
- c) If a displaced person demonstrates the need for an advance relocation payment in order to avoid or reduce a hardship, the Department will issue the payment, subject to such safeguards as are appropriate to ensure that the objective of the payment is accomplished.
- d) All claims for a relocation payment must be filed with the Department within eighteen months after:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

- 1) For tenants, the date of displacement.
- 2) For owners, the date of displacement or the date of the final payment for the acquisition of the real property, whichever is later.
- 3) This time period will be waived by the Department for good cause.
- e) If two or more occupants of the displacement dwelling move to separate replacement dwellings, each occupant is entitled to a reasonable prorated share, as determined by the Department, of any relocation payments that would have been made if the occupants moved together to a comparable replacement dwelling. However, if the Department determines that two or more occupants maintained separate households within the same dwelling, such occupants will have separate entitlements to relocation payments.
- f) The Department will deduct the amount of any advance relocation payment from the relocation payment(s) to which a displaced person is otherwise entitled. The Department will deduct from relocation payments any rent that the displaced person owes the Department; provided that no such deduction will be made if it will prevent the displaced person from obtaining a comparable replacement dwelling. The State may not withhold any part of a relocation payment to a displaced person to satisfy an obligation to any creditor other than the Illinois Department of Transportation.
- g) If the Department disapproves all or part of a payment claimed or refuses to consider the claim on its merits because of untimely filing or other grounds, it will promptly notify the claimant in writing of its determination, the basis for its determination, and the procedures for requesting a review of that determination. (54 FR 8937, effective March 2, 1989)

## SUBPART D: RELOCATION ASSISTANCE ADVISORY SERVICES

## Section 518.300 General Information on Advisory Services Offered

The services required in this Part are intended as minimum standards to be followed in assisting such displaced persons to relocate to decent, safe and sanitary housing that meets their needs. Information concerning the services and the service itself should be provided through personal contact. If such personal contact cannot be made, the file will be documented to show that efforts were made to achieve the personal



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

contact. In lieu of such personal contact, the displaced person will be notified by certified first class mail, return receipt requested.

## Section 518.305 To Whom Provided Advisory Services

- a) Relocation Advisory Assistance will be offered by the Department to:

- 1) Any "displaced person" as defined in Section 518.20.
- 2) Any person occupying property immediately adjacent to the real property acquired when the District Engineer determines that such person or persons are caused substantial economic injury because of the acquisition; and
- 3) To a person who, because of the acquisition of real property used for his business or farm operation, moves from other real property used for a dwelling, or moves his personal property from such other real property.

- b) Relocation advisory services may also, at the discretion of the District Engineer, be offered to persons occupying real property after its acquisition by the State or as State tenants under short term rental agreements.

- c) Persons in occupancy on the date of the initiation of negotiations, who are subsequently evicted for cause, retain all their rights to advisory assistance and payments subject to the usual eligibility requirements. For the purpose of determining eligibility for relocation payments, the date of displacement is the date the person moves or the date a comparable replacement dwelling is made available, whichever is later. This eligibility applies only if the Department had intended to displace the person. (54 FR 8936, effective March 2, 1989)

## Section 518.310 Minimum Advisory Assistance Requirements

- a) Such relocation advisory assistance shall include, as a minimum, such measures, facilities, or services as may be necessary or appropriate to:

- 1) Advise residential displaced persons that they cannot be required to move unless at least one comparable replacement dwelling is available to them; discuss and

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

explain the advisory services available; relocation payments; the eligibility requirements; and provide assistance in completing any claim forms.

- 2) Personally interview and determine the needs and preferences, if any, of all displaced individuals, families, businesses, farm operations, and non-profit organizations.
- 3) Provide current and continuing information on the availability, purchase prices, and rental costs of comparable decent, safe and sanitary sales and rental housing, and of comparable and suitable commercial and farm properties and locations for displaced businesses, farm operations and non-profit organizations.
- 4) Assist a person displaced from his business, farm operation, or non-profit organization facility, in obtaining and becoming established in a decent, safe and sanitary replacement location and inform of the relocation assistance and payments available to them and the eligibility requirements.
- 5) Supply persons to be displaced information concerning Federal, State and other housing programs, disaster and other loans, programs administered by the Small Business Administration (SBA), and other Federal, State or other programs offering assistance to displaced persons and technical help to persons applying for such assistance.
- 6) Advise displaced persons that no payments received under the Uniform Act shall be considered as income for the purposes of the Internal Revenue Code of 1954 or for the purposes of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law. (Section 216 of the Uniform Act)
- 7) Provide advisory services such as counseling, advice as to other sources of assistance, other help as appropriate, to displaced persons in order to minimize hardships to such persons in adjusting to a new location.
- 8) Whenever possible, minority persons shall be given reasonable opportunities to relocate to decent, safe, and sanitary replacement dwellings, not located in an area of minority concentration, that are within their



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

- financial means. (54 FR 8936, effective March 2, 1989)
- 9) Offer all displaced persons, especially the elderly and handicapped, transportation to inspect housing to which they are referred.
  - 10) Inform the displaced homeowner occupant or residential tenant occupant, in writing, of the maximum replacement housing payment he/she may be eligible to receive and of the specific comparable replacement dwelling and the price or rent used to establish the upper limit of the replacement housing payment and the basis for the determination.
  - 11) Advise residential displaced persons that the replacement housing must be decent, safe, and sanitary, and so certified by the State in order for the displaced person to be eligible to receive a replacement housing payment.
  - b) Relocation advisory services over and above the minimal requirements outlined in this Section must be offered, and provided if requested, on a reasonable basis, commensurate with the relocatees' needs. (54 FR 8936, effective March 2, 1989)

## Section 518.315 District Relocation Office

The Department will maintain and make available the following information:

- a) Current and continuing lists of replacement dwellings, available to displaced persons without regard to race, color, religion, sex or national origin, drawn from various sources, and suitable in price, size and conditions for such displaced persons, to the extent these lists are available.
- b) Current and continuing lists of comparable commercial properties and location for displaced businesses.
- c) Current data for such costs as security deposits for utilities, closing costs, typical down payments, and interest rates and terms.
- d) Maps showing the location of schools, parks, playgrounds, shopping and public transportation routes.
- e) Schedules and costs of public transportation.
- f) Neighborhood and metropolitan newspapers and multiple listing

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

information will also be maintained when available and other specific information peculiar to the particular persons or businesses displaced by the project. (54 FR 8936, effective March 2, 1989)

## Section 518.320 Subsidiary Project Relocation Office

- a) A subsidiary project relocation office, as defined in Section 518.20, will be established, which is convenient to public transportation or within walking distance of each project, if the volume of work or the needs of the relocatees are such as to justify the establishment of such an office.
- b) Subsidiary offices shall be staffed as required and open during hours convenient to the persons to be displaced, including evenings, if necessary. If additional staff is required, consideration should be given to the employment of people who are familiar with the problems of the area. (54 FR 8936, effective March 2, 1989)

## SUBPART E: PUBLIC INFORMATION

## Section 518.400 General Requirements

The District Engineer will provide public notice of the Department's Relocation Program, i.e., the relocation payments and the advisory services to be made available to relocatees.

## Section 518.405 Notice of Relocation Eligibility

Eligibility for relocation assistance and payments begins on the date of the initiation of negotiations for the occupied property. All displaced persons will be provided written notice of such eligibility. (54 FR 8931, effective March 2, 1989)

## Section 518.410 Personal Notice of Relocation Program

As soon as feasible, each individual, family, business and farm operation scheduled to be displaced by the project will be furnished through personal contact (or by certified first class mail, return receipt requested, if such personal contact is not possible) with a general written description of the State's Relocation Advisory Assistance and Payments Program; the eligibility requirements and procedures for obtaining this assistance and these payments; and how to request a review by the Director of the Division of Highways of the Illinois Department of Transportation, or designees thereof, of any disputed claim for payment. (54 FR 8931, effective March 2, 1989)



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

## Section 518.415 Notice of Displacement

- a) The "Notice" informs displaced persons of the Relocation Advisory Assistance and Payments that will be made available to them. This information will be furnished to all such displaced persons at the time of the initiation of negotiations to acquire the occupied real property or interest therein.
- b) Lawful occupants cannot be required to move unless they have received at least ninety days advance written notice of the earliest date by which they may be required to move. Therefore, in no event, shall this required information be given less than ninety days prior to the date the owner or tenant will be required to move. (54 FR 8935, effective March 2, 1989)

## Section 518.420 Thirty Day Specific Date Written Notice To Vacate

- a) No person lawfully occupying the real property, or having personal property thereon, can be required to move from his home, farm or business location, or move his personalty, without the Department, or the Agency having responsibility for the acquisition, giving at least ninety days prior written notice and thirty days specific date written notice to vacate.
- b) The thirty day specific date written notice to vacate will give a firm date by which the property shall be vacated and such notice will be furnished to each individual, family, business, or farm operation to be displaced if they still occupy the acquired property at least thirty days prior to the specific date the property is needed. Such notices must be personally presented and the file so documented or, in the alternate, if this is not possible, by certified first class mail, return receipt requested. The vacation date may be extended when conditions warrant, but any extension will be in writing and will give another specific date by which the property shall be vacated.

AGENCY NOTE: If someone lives on the property or, in the alternate, does not live on the property but has personal property thereon, he/she will be given at least ninety days prior written notice and the thirty day specific date notice to vacate. This will apply whether an individual, a family, a business, a farm operation or non-profit organization occupies the property. The key to understanding lies in the words "required to move". There must be something to move. If there is something to move, the notice must be given. This would not preclude a mutual agreement between the Department and the involved person or business providing for the voluntary

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

surrender of possession of the real property in less than ninety days. Likewise, the Department cannot be held responsible if a ninety day/thirty day notice was issued but the landlord issued a notice giving lesser notice to a tenant.

- c) The thirty day specific date notice cannot be given, under any circumstances, until the property has been acquired and the State has title. If acquired by negotiation, the warranty deed or other instrument(s) of conveyance must have been delivered to the State and payment for the property must have been made to the owner; if acquired through eminent domain proceedings, preliminary just compensation must have been deposited with the court and the order vesting title must have been entered, or in a case where quick take procedure was not used, then upon deposit of just compensation as set forth in the final judgment order. (54 FR 8933, effective March 2, 1989)

- d) Form BRW 947, "Notice to Vacate" completed to show the appropriate date(s) may be used for this purpose. It is not necessary to give the thirty day specific date written notice to vacate to all owners and tenants. The thirty day notice is only to be given when the property will actually be required in thirty days for some reason, such as: advertising for a construction letting; advertising for a demolition contract; or to conduct a sale of buildings. When it becomes apparent that certain properties will be required in thirty days, all remaining occupants legally in possession, except those covered by rental agreements, must be given said thirty day specific notice. Occupants who have signed rental agreements will be notified in accordance with the provisions of the rental agreement which also generally provides for a minimum thirty day notice. (54 FR 8935, effective March 2, 1989)

## SUBPART F: REVIEWS - DISPUTED CLAIMS

## Section 518.500 Denial of Claim and Method of Review

- a) A displaced person may file a written request with the District Engineer for review in any case in which the displaced person believes that the State has failed to properly determine such person's eligibility for, or the amount of, a payment required under this Part or otherwise to consider such displaced person's application for assistance under this program. The State will consider a written request regardless of form.
- b) In the event a claim for payment is denied, in whole or in part, in connection with the payments provided for in this



## DEPARTMENT OF TRANSPORTATION

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

## NOTICE OF PEREMPTORY RULES

program, the claimant will be promptly notified in writing of the amount that he/she is entitled to receive, if any. Such notification will also inform the applicant of his right to request a review of such decision by the District Engineer, and the procedures therefor, in the event the applicant is dissatisfied with the ruling on his application for such payments.

c) The applicant will also be advised, at the time of such written notification, that if he desires such a review he must notify the District Engineer to this effect in writing within sixty days of the date of such letter of notification. (In the alternate, if the District Engineer does not hear from the applicant within such sixty day period he should presume that the applicant does not wish such review and should proceed to process the "approved" claim for payment, if any payment is due.)

d) Upon receipt of the request for review from the applicant, the District Engineer, or his designated representative, will then immediately fix a date and place for the review and so notify the applicant. Such notice shall be in writing and shall be presented to the applicant at least ten days prior to the scheduled date for review.

AGENCY NOTE: In order to assure a fair, equitable, and impartial review the person conducting the review cannot have been directly involved in the action under review.

e) The State will permit a displaced person to inspect and copy all materials pertinent to his or her review except materials which are classified as confidential. The State will impose conditions on the person's right to inspect, consistent with applicable laws.

f) At the time of this review, the applicant, or his representative, will be afforded full opportunity to be heard and to present information or documentation in support of the claim for payment. Representation by others will be at the sole expense of the displaced person. Thereafter, the applicant will be notified in writing, within thirty days, of the decision reached regarding his claim and the reasoning in support of the decision. (54 FR 8932, effective March 2, 1989)

g) Such written notification will also advise the applicant of his right to request a final review by the Director of Highways in the event he is dissatisfied with the review findings of the

## District Engineer.

1) If the applicant requests this final review, the District Engineer will forward the request to the Director of Highways. The Director of Highways, or his designated representative, will then immediately fix a date and place for the review and so notify the applicant. Such notice shall be in writing and shall be presented to the applicant at least ten days prior to the scheduled date for review.

AGENCY NOTE: In order to assure a fair, equitable, and impartial review, the person conducting the review cannot have been directly involved in the action under review.

2) At the time of this review, the applicant will be given an opportunity to be heard, and to present pertinent information or documentation in support of the claim for payment. Thereafter, the applicant will be promptly notified in writing of the decision reached regarding the claim and the reasoning in support of the decision. The decision by the Director of Highways will be considered final.

3) If the full relief requested is not granted, the aggrieved person will also be advised of his or her right to seek redress through judicial review under applicable State or Federal law. (54 FR 8932, effective March 2, 1989)

## Section 518.505 Time Limit For Review

Although mitigating or unusual circumstances may warrant otherwise, it is recommended that the maximum time limit for a review be as set forth in Section 518.500.

## SUBPART G: COMPLIANCE WITH FAIR HOUSING LAWS

Section 518.600 Compliance with State and Federal Fair Housing Laws (Civil Rights)

In order to affirmatively implement established State and Federal laws regulating the sale or rental of housing, the District Engineer will:

a) Assist relocatees as required and to the extent possible, in ensuring against discriminatory practices in the sale or rental



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

of housing;

- b) Fully inform relocatees of their fair housing rights and options in selecting replacement housing in areas of their choice and the assistance available from the State in ensuring relocatees that their fair housing rights will be protected in accordance with Title VIII of the Civil Rights Act of 1968 and the HUD Amendment Act of 1974;
- c) Provide copies of State and Federal publications dealing with fair housing;
- d) Advise relocatees of the name and address of the State agency responsible for receiving and processing housing discrimination complaints; and
- e) Develop housing resources using only "open housing", i.e., available to all without discrimination on the basis of race, color, religion, sex or national origin. (54 FR 8932, effective March 2, 1989)

## SUBPART H: MOVING PAYMENTS

## Section 518.700 Payment Authorization

The Department is authorized to pay, as part of the cost of construction of any project on a State highway or Federal-aid Highway project, relocation payments to eligible displaced persons for their reasonable and necessary moving expenses (Section 3-107.1 of the Illinois Highway Code (the Code) (Ill.Rev.Stat.1987, ch. 121, par. 3-107.1, as amended by P.A. 85-1407, effective September 22, 1988) caused by their displacement from real property acquired for such projects. Such payments are limited to the cost of moving personal property located within the acquired right-of-way, except as expressly provided in this Part. The relocation payments will be made by the Department or a local agency acting as agent for the Department. (54 FR 8932, effective March 2, 1989)

Section 518.705 Moving and Related Expense Payments - General Provisions For All Relocated Individuals, Families, Businesses and Farm Operations

- a) Any "displaced person" is entitled to payment of moving and related expenses as the Department determines to be reasonable and necessary. The payment will be appropriate to the class, type and nature of the move and the amount of payment will be determined in accordance with the criteria and provisions established in this Section. (54 FR 8937, effective March 2, 1989)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

- b) Where the acquisition of real property used for a business or farm operation causes a person to vacate a dwelling or other real property not acquired or to move his personal property from other real property not acquired, the additional reasonable and necessary expenses of moving such personally are eligible for the appropriate moving payments as provided in this Section. (54 FR 8937, effective March 2, 1989)
- c) Moving costs cannot generally be paid for more than one move of a displaced person unless it can be shown to be in the public interest. Approval to make more than one moving cost payment must be approved in advance of the move by the Department. Concurrence by the Federal Highway Administration is also required on Federally-aided right-of-way projects. (54 FR 8937, effective March 2, 1989)
- d) Moving payments can be made to occupants who succeed those persons who were in occupancy at the time of the initiation of negotiations if such occupancy occurred prior to acquisition of the property, i.e., prior to the time the subject property was bought and paid for by the State. (54 FR 8937, effective March 2, 1989)
- e) In addition to meeting all other eligibility requirements, as set forth in this Part, for a moving payment, the displaced individual, family business, farm operation, or non-profit organization must also have completed the move; must have filed a written claim, adequately supported by receipted bills or other acceptable evidence of expenses incurred if required, and must have submitted the claim for payment on a form to be provided by the Department for this purpose within eighteen months after:
  - 1) For tenants, the date of displacement;
  - 2) For owners, the date of displacement or the date of the final payment for the acquisition of the real property, whichever is later. (54 FR 8937, effective March 2, 1989)
- f) This time period can be waived by the Department for good cause. Such evidence of expenses incurred is not required in the case of a residential move, including mobile homes and the contents thereof when the displaced person has elected to accept a fixed payment. However, it is required if the relocatee has elected to be paid actual expenses. If hardship can be demonstrated, a payment can be made in advance. (54 FR 8937, effective March 2, 1989)



## DEPARTMENT OF TRANSPORTATION

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

## NOTICE OF PEREMPTORY RULES

8937, effective March 2, 1989)

- g) Upon completion of the move and submission of the documented claim to the Department, reimbursement will be made directly to the claimant. (54 FR 8937, effective March 2, 1989)
- h) By written pre-arrangement between the Department, the relocatee and the mover, the relocatee may present an unpaid moving bill to the Department for direct payment, however, both the relocatee and the mover should be named as co-payees. (54 FR 8937, effective March 2, 1989)
- i) There is no limitation on the distance a relocatee moves either interstate or intrastate. However, the maximum allowable expense reimbursement for transportation charges for the displaced person and personal property cannot exceed the costs of moving within a fifty mile radius of the point of displacement unless the Department has determined that relocation cannot be accomplished within this area. Exceptions, if any, will be allowed to the nearest adequate and available site. (54 FR 8937, effective March 2, 1989)
- j) Displaced persons may receive payment for the costs of relocating personal property onto remaining or other lands owned by the relocatee or his landlord if the Department determines that such removal is necessary. (54 FR 8937, effective March 2, 1989)
- k) The expenses incurred by the relocatee in advertising, for packing, crating, and transportation may be reimbursable if the Department determines that such advertising is necessary. This should be limited to complicated or unusual moves where advertising is the only feasible method of securing bids. (54 FR 8937, effective March 2, 1989)
- l) The Department can claim Federal reimbursement for the cost of any bids or estimates it obtains on Federally-aided right of way projects, not to exceed two bids per move (also see "Self-moves" at Section 518.740(c)). However, if the two bids are incompatible or otherwise unacceptable, a third may be obtained. Fees, for preparing such bids or estimates, should not be derived as a percentage of the total estimated moving cost. (54 FR 8937, effective March 2, 1989)
- m) When an actual expense or self move basis is used and the Department determines that it is necessary for a relocated person to store his/her personal property for a reasonable

time, the cost of such storage will be a reimbursable item as a part of the total moving expense. However, the period of storage can not exceed twelve months, unless the Department determines that a longer period is necessary. Storage of personal property on the property being acquired or on other property owned or leased by the relocatee is not an eligible expense. (54 FR 8937, effective March 2, 1989)

n) The cost of insurance premiums covering loss and damage of personal property while in transit or necessary storage is a reimbursable item of expense provided however, that such insurance coverage does not exceed the reasonable replacement value of the personal property as determined by the Department. (54 FR 8937, effective March 2, 1989)

o) The reasonable replacement value of property lost, stolen or damaged (not caused by the fault or negligence of the displaced person, his agent or employee) in the process of moving is reimbursable, where insurance to cover such loss, damage, or theft was not available at a reasonable price and was therefore, not secured by the relocatee, if approved in advance of the move by the Department. (54 FR 8937, effective March 2, 1989)

p) The expenses of removal, reinstallation and reestablishment of machinery, equipment, appliances and other items of personal property which are not acquired, including reconnection of utilities to such items, which do not constitute an improvement to the replacement realty are eligible for reimbursement. This would include charges for packing, crating, unpacking, and uncrating of the personal property and also charges for disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment, including relocated household appliances, and other personal property, and substitute personal property. This would also include charges for the connection to the utilities on or within the replacement dwelling or building. It also includes modifications to personal property as necessary to adapt said personal property to the replacement structure, or the replacement site, or the utilities at the replacement site, and modifications as necessary to adapt the utilities at the replacement site to the personal property. Expenses incurred for the cost of extending utilities from the right-of-way up to the building or other improvement are excluded. Also excluded are the costs of improvements made to the replacement structure or site, except as may be specifically provided for a displaced business as set forth in Section 518.750. (54 FR 8937, effective March 2, 1989)



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

AGENCY NOTE: Prior to payment of any expenses for removal and reinstallation of such property, the owner and the Department must agree in writing that the property is personalty and that the Department is released from any payment for the property as realty.

- q) Any business license, permit, or certification required of the displaced person at the replacement location. However, the payment may be based on the remaining useful life of the existing license, permit, or certification;
- 1) Professional services necessary for planning the move of the business personal property, moving the business personal property, and installing the relocated business personal property at the replacement location; and

- 2) Relettering business signs and replacing business stationary on hand at the time of displacement that is made obsolete as a result of the move. (54 FR 8937, effective March 2, 1989)

- r) Other moving related expenses of displaced persons, that are not listed as ineligible, may be paid if the Department determines the same to be reasonable and necessary. Such costs are not applicable to items classified by the Department as real property and retained by the owner through the owner retention process. (54 FR 8937, effective March 2, 1989)

- s) Moving costs may be paid whenever it has been determined by the Department that it is necessary to move personal property located within the acquired right-of-way or on remainder lands or on other real property as the result or consequence of a taking of real property for a highway improvement project. (54 FR 8937, effective March 2, 1989)

- t) In those cases where a relocatee has died, and who otherwise was or would have been eligible for moving expenses, the moving expense reimbursement, either actual or fixed, may be paid to either the executor or the administrator, depending upon whether or not the displaced person died testate or intestate, or to the person or persons (heirs) who actually incurred the expense of moving the personal property in those cases where the estate has been closed. (54 FR 8943, effective March 2, 1989)

- u) If two or more occupants of a displacement dwelling move to separate replacement dwellings, each occupant is entitled to a reasonable prorated share, as determined by the Department, of

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

any relocation payments that would have been made if the occupants moved together to a comparable replacement dwelling. However, if two or more occupants maintained separate households within the same dwelling, such occupants have separate entitlements to relocation payments. (54 FR 8937, effective March 2, 1989)

- v) Upon receipt of any claim for a relocation payment, the claimant will be promptly notified in writing by the Department concerning his/her eligibility for the payment claimed; the amount he/she is entitled to receive and the time and manner in which such payment will be made. (54 FR 8937, effective March 2, 1989)

## Section 518.710 Ineligible Moving and Related Expenses

The following expenses are considered ineligible for reimbursement as "actual moving expenses" and a displaced person is not entitled to payment therefor:

- a) Any additional operating expenses of a business, farm operation, or non-profit organization incurred because of operating in a new location except as specifically provided for at Section 518.750.
- b) Costs of moving any structure or other real property improvement in which the displaced person has reserved ownership, i.e., exercised owner-retention.
- c) Improvements to the replacement structure or site except as specifically provided for under the "Business Reestablishment Expenses" described at Section 518.750.
- d) Interest on a loan to cover moving expenses.
- e) Loss of goodwill.
- f) Loss of profits.
- g) Loss of trained employees.
- h) Personal injury.
- i) Any legal fee or other cost of preparing a claim for a relocation payment or for representing the claimant before the Department.



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

- j) Expenses for searching for a replacement dwelling.
- k) Any physical changes to the real property including any improvements thereon, at the replacement location except as specifically provided in Section 518.750.
- l) Costs for storage of personal property on real property already owned or leased by the displaced person.
- m) Moving costs incurred applicable to items classified by the Department as real property and paid for as part of the acquisition payment and retained by the owner through the owner retention process.
- n) Any additional expense incurred because of living in a new location except as specifically provided for by this Part. (54 FR 8939, effective March 2, 1989)

## Section 518.715 Residential Moving Payments For Individuals and Families

- a) Eligible displaced persons are entitled to receive payment for moving their personal property and themselves. The displaced person has the option of receiving a payment on the basis of actual moving and related expenses, as the Department determines to be reasonable and necessary, or as determined from a fixed rate schedule. The Fixed Rate Schedule has been established and approved by the Federal Highway Administration (see Section 518.Exhibit A). It includes a dislocation allowance and is based on the number of rooms of personal property to be moved. The expense and dislocation allowance (Section 3-107.1a of the Code, as amended by P.A. 85-1407, effective September 22, 1988) to a person occupying a furnished one room unit shared by more than one other person, or a person whose residential move is performed by the Department at no cost to the displaced person, is limited to \$50.00.
- b) Two or more families occupying the same dwelling unit, who must relocate into separate dwelling units because a single comparable dwelling unit is not available, may elect to be reimbursed either on an actual cost basis or on a schedule basis for each such family. Two or more families occupying the same dwelling unit, who relocate into separate dwelling units on a voluntary basis when a single comparable dwelling unit is available, may elect to be reimbursed either on an actual cost basis or on a schedule basis with the single payment to be divided by the families. A schedule basis payment will be based on the number of rooms actually occupied by each such

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

- c) family plus community rooms utilized by each such family. (54 FR 8937, effective March 2, 1989)
- d) When an owner-occupant retains his dwelling, the cost of moving it onto remainder or replacement land is not eligible for reimbursement as a part of the cost of moving personal property. However, if such owner chooses to use said dwelling as a means of moving his personal property, the cost of moving such personal property may be considered eligible for reimbursement. However, payment in these cases would be limited to that provided for by the fixed rate room schedule. (54 FR 8937, effective March 2, 1989)

## Section 518.720 Actual Reasonable Moving Expenses (Section 3-107.1 of the Code, as amended by P.A. 85-1407, effective September 22, 1988)

- a) A relocated individual or family may be paid the actual, cost of a move as the Department determines to be reasonable and necessary, including packing, crating and insurance charges, accomplished by a commercial mover provided such relocatee accomplishes the move through the use of a commercial moving firm that is authorized, licensed and regulated as a Motor Carrier of Property by the Illinois Commerce Commission.
  - 1) All subsequent claims for payment must be supported by paid, itemized, and receipted paid bills from said Carriers, or other evidence acceptable to the Department, of expenses incurred.
  - 2) Failure to submit such evidence will result in payment being made in an amount determined from the Fixed Rate Room Count Schedule at Section 518.Exhibit A. (54 FR 8937 and 8938, effective March 2, 1989)
- b) Displaced individuals and families may elect to move themselves in order to accomplish residential moves. In such cases the relocated individual or family may be paid actual moving costs incurred if the Department determines such costs to be reasonable and necessary, and if supported by receipted bills or other evidence acceptable to the Department of such expenses incurred, however, such payment cannot in any case, exceed the estimated cost of moving commercially. (54 FR 8937 and 8938, effective March 2, 1989)
- c) The costs of transporting individuals and families to the new location are also eligible moving costs. Such costs may be reimbursed on a mileage basis, not to exceed the current State



ILLINOIS REGISTER  
DEPARTMENT OF TRANSPORTATION  
NOTICE OF PEREMPTORY RULES

approved rate, for the use of private automobiles, per mile based on the actual number of miles moved, figured on a one-way basis, or in the case of invalid relocatees, actual ground ambulance charges incurred. The actual, reasonable, costs of meals and lodging, when the Department has determined that such costs are required because of unforeseen circumstances or practical necessities of the moving operation, are also eligible if approved in advance by the Department, if this is feasible or possible. Temporary lodging, if approved by the Department in advance, is to be used only for short periods of time and is not intended to be used for the purpose of expediting a project and would normally be limited to that time while household goods are in transit to the replacement dwelling. (54 FR 8937 and 8938, effective March 2, 1989)

Section 518.725 Fixed Rate Room Count Moving Expense Schedule

- a) A relocated individual or family may elect to receive a moving expense and dislocation allowance, based on a Fixed Rate Room Count Schedule that has been developed and approved by the Federal Highway Administration. (See Section 518.Exhibit A.)
- b) The Fixed Rate Room Count Schedule provides for a graduated payment based on the number of rooms of personal property to be moved.
- c) If the displaced person elects to accept the allowable payment under the Fixed Rate Room Count Schedule, all that is required is that he/she complete the move and file a written claim for payment of the exact amount determined from the Fixed Rate Room Count Schedule. Supporting evidence of the cost incurred or information as to how the move was accomplished is not required.
- d) The Fixed Rate Room Count Schedule covers three types of occupancy: occupants of unfurnished dwelling units; occupants of furnished dwelling units, including sleeping room tenants; and occupants of mobile homes who move their personal property within the mobile home. (54 FR 8943, effective March 2, 1989)

Section 518.730 Owner-Occupants of Multi-Family Dwellings

In addition to the payment the relocatee can receive for moving his personal property, himself, and his family from his dwelling unit in accordance with this Section, the owner-occupant of a multi-family dwelling is also eligible to receive moving payments for the cost of moving his "Business" personal property, if any, from the other units of the multi-family dwelling as a

business move. (54 FR 8938, effective March 2, 1989)  
Section 518.735 Filing the Claim For Payment

Form BRW 770, "Claim for Moving Expenses - Non-Business" will be used to claim moving expenses for individuals or families. (54 FR 8937, effective March 2, 1989)

Section 518.740 Payment For Actual Reasonable Moving and Related Expenses - Non-Residential Moves

- a) Any business or farm operation which qualifies as a displaced person, as defined in Section 518.20, is entitled to payment for such actual moving and related expenses, including expenses for:

- 1) Transportation of personal property. Transportation costs for a distance beyond fifty miles are not eligible, unless the Department determines that relocation beyond fifty miles is justified.
- 2) Packing, crating, unpacking, and uncrating of the personal property.
- 3) Disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment, and other personal property, including substitute personal property described in subsection (a)(12). This includes connection to utilities available nearby. It also includes modifications to the personal property necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property. (Expenses for providing utilities from the right-of-way to the building or improvement are excluded.)
- 4) Storage of the personal property for a period not to exceed twelve months, unless the Department determines that a longer period is necessary.
- 5) Insurance for the replacement value of the personal property in connection with the move and necessary storage.
- 6) Any license, permit, or certification required of the displaced person at the replacement location. However,



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

the payment may be based on the remaining useful life of the existing license, permit, or certification.

- 7) The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.

- 8) Professional services necessary for:

- A) Planning the move of the personal property;
- B) Moving the personal property; and
- C) Installing the relocated personal property at the replacement location.

- 9) Relettering signs and replacing stationery on hand at the time of displacement that are made obsolete as a result of the move.

- 10) Actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business or farm operation. (Section 3.107.1 of the Code, as amended by P.A. 85-1407, effective September 22, 1988) The payment shall consist of the lesser of:

- A) The fair market value of the item for continued use at the displacement site, less the proceeds from its sale. (To be eligible for payment, the claimant must make a good faith effort to sell the personal property, unless the Department determines that such effort is not necessary. When payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price.); or

- B) The estimated cost of moving the item, but with no allowance for storage. (If the business or farm operation is discontinued, the estimated cost shall be based on a moving distance of fifty miles.)

- 11) The reasonable cost incurred in attempting to sell an item that is not to be relocated.

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

- 12) Purchase of substitute personal property. If an item of personal property which is used as part of a business or farm operation is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displaced person is entitled to payment of the lesser of:

- A) The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or
- B) The estimated cost of moving and reinstalling the replaced item but with no allowance for storage. At the Department's discretion, the estimated cost for a low cost or uncomplicated move may be based on a single bid or estimate.

- 13) Searching for a replacement location. A displaced business or farm operation is entitled to reimbursement for actual expenses, not to exceed \$1,000, as the Department determines to be reasonable, which are incurred in searching for a replacement (Section 3.107.1 of the Code, as amended by P.A. 85-1407, effective September 22, 1988) location, including:

- A) Transportation.
- B) Meals and lodging away from home.
- C) Time spent searching, based on reasonable salary or earnings.
- D) Fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such site.

- 14) Other moving-related expenses that are not listed as ineligible under Section 518.710, as the Department determines to be reasonable and necessary. (54 FR 8938, effective March 2, 1989)

- b) The following requirements apply to payments under this Section:

- 1) The Department will inform the displaced person, in writing, of the requirements of subsections (b)(2) and



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

(3) as soon as possible after the initiation of negotiations. This information may be included in the relocation information provided to the displaced person as set forth in Section 518.415.

2) The displaced person shall provide the Department reasonable advance written notice of the approximate date of the start of the move or disposition of the personal property and a list of the items to be moved. However, the Department may waive this notice requirement.

3) The displaced person shall permit the Department to make reasonable and timely inspections of the personal property at both the displacement and replacement sites and to monitor the move. (54 FR 8938, effective March 2, 1989)

c) If the displaced person elects to take full responsibility for the move of the business or farm operation, the Department may make a payment for the person's moving expenses in an amount not to exceed the lower of two acceptable bids or estimates obtained by the Department or prepared by qualified staff. The Department may pay, based on a single bid or estimate, for a low cost or uncomplicated move. (54 FR 8938, effective March 2, 1989)

d) Upon request the claimant shall transfer to the Department ownership of any personal property that has not been moved, sold, or traded in. (54 FR 8938, effective March 2, 1989)

e) The amount of a payment for direct loss of an advertising sign which is personal property shall be the lesser of:

1) The depreciated reproduction cost of the sign, as determined by the Department, less the proceeds from its sale; or

2) The estimated cost of moving the sign, but with no allowance for storage. (54 FR 8938, effective March 2, 1989)

## Section 518.745 Fixed Payment For Moving Expenses - Non-Residential Moves

a) A displaced business may be eligible to choose a fixed payment in lieu of the payments for actual moving and related expenses, and actual reasonable reestablishment expenses provided by

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

Sections 518.740 and 518.750. Such fixed payment, except for payment to a non-profit organization, shall equal the average annual net earnings of the business, as computed in accordance with subsection (e), but not less than \$1,000 nor more than \$20,000. (Section 3.107.1b of the Code, as amended by P.A. 85-1407, effective September 22, 1988) The displaced business is eligible for the payment if the Department determines that:

1) The business owns or rents personal property which must be moved in connection with such displacement and for which an expense would be incurred in such move; and, the business vacates or relocates from its displacement site.

2) The business cannot be relocated without a substantial loss of its existing patronage (clientele or net earnings). A business is assumed to meet this test unless the Department determines that it will not suffer a substantial loss of its existing patronage; and

3) The business is not part of a commercial enterprise having more than three other entities which are not being acquired by the Department, and which are under the same ownership and engaged in the same or similar business activities.

4) The business is not operated at a displacement dwelling solely for the purpose of renting such dwelling to others.

5) The business is not operated at the displacement site solely for the purpose of renting the site to others.

6) The business contributes-materially, as defined in Section 518.20, to the income of the displaced person during the two taxable years prior to displacement. (54 FR 8939 and 8940, effective March 2, 1989)

b) In determining whether two or more displaced legal entities constitute a single business which is entitled to only one fixed payment, all pertinent factors shall be considered, including the extent to which:

1) The same premises and equipment are shared;

2) Substantially identical or interrelated business functions are carried out and business and financial



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

affairs are commingled;

- 3) The entities are held out to the public, and to those customarily dealing with them, as one business; and
- 4) The same person or closely related persons own, control, or manage the affairs of the entities. (54 FR 8939 and 8940, effective March 2, 1989)
- c) A displaced farm operation, as defined in Section 518.20, may choose a fixed payment, in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses, in an amount equal to its average annual net earnings as computed in accordance with subsection (e), but not less than \$1,000 nor more than \$20,000. (Section 3.107.1b of the Code, as amended by P.A. 85-1407, effective September 22, 1988) In the case of a partial acquisition of land which was a farm operation before the acquisition, the fixed payment shall be made only if the Department determines that:
  - 1) The acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land; or
  - 2) The partial acquisition caused a substantial change in the nature of the farm operation. (54 FR 8939 and 8940, effective March 2, 1989)
- d) A displaced non-profit organization may choose a fixed payment of \$1,000 to \$20,000, (Section 3.107.1b of the Code, as amended by P.A. 85-1407, effective September 22, 1988) in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses, if the Department determines that it cannot be relocated without a substantial loss of existing patronage (membership or clientele). A non-profit organization is assumed to meet this test, unless the Department demonstrates otherwise. Any payment in excess of \$1,000 must be supported with financial statements for the two 12-month periods prior to the acquisition. The amount to be used for the payment is the average of two years annual gross revenues less administrative expenses. (54 FR 8939 and 8940, effective March 2, 1989)
- e) The average annual net earnings of a business or farm operation are one-half of its net earnings before Federal, State, and local income taxes during the two taxable years immediately

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

prior to the taxable year in which it was displaced. If the business or farm was not in operation for the full two taxable years prior to displacement, net earnings shall be based on the actual period of operation at the displacement site during the two taxable years prior to displacement, projected to an annual rate. Average annual net earnings may be based upon a different period of time when the Department determines it to be more equitable. Net earnings include any compensation obtained from the business or farm operation by its owner, the owner's spouse, and dependents. The displaced person shall furnish the Department proof of net earnings through income tax returns, certified financial statements, or other evidence. (54 FR 8939 and 8940, effective March 2, 1989)

#### Section 518.750 Reestablishment Expenses - For Small Businesses, Farm Operations and Non-Profit Organizations

- a) In addition to the payments available under Section 518.745, a small business, (as defined in Section 518.20) farm or non-profit organization may also be eligible to receive a payment, not to exceed \$10,000, (Section 3-107.1 of the Code, as amended by P.A. 85-1407, effective September 22, 1988) for eligible, reasonable, and necessary, as determined by the Department, expenses actually incurred in relocating and reestablishing such small business, farm or non-profit organization at a replacement site. (54 FR 8938 and 8939, effective March 2, 1989)
- b) Reestablishment expenses will be reasonable and necessary, as determined by the Department. They may include, but are not limited to, the following:
  - 1) Repairs or improvements to the replacement real property as required by Federal, State or local law, code or ordinance.
  - 2) Modifications to the replacement real property to accommodate the business operation or to make replacement structures suitable for conducting the business.
  - 3) Construction and installation costs, not to exceed \$1,500, for exterior signing to advertise the business.
  - 4) Provision of utilities from the right-of-way to the improvements on the replacement site, i.e., from the road/street in to the building.



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

- 5) Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, panelling, or carpeting.
- 6) Licenses, fees and permits when not paid as part of moving expenses.
- 7) Feasibility surveys, soil testing and marketing studies.
- 8) Advertisement of replacement location, not to exceed \$1,500, when not paid as part of moving expenses.
- 9) Professional services in connection with the purchase or lease of a replacement site.
- 10) Increased costs of operation during the first two years at the replacement site, not to exceed \$5,000, for such items as:
  - A) Lease or rental charges,
  - B) Personal or real property taxes,
  - C) Insurance premiums, and
  - D) Utility charges, excluding impact fees.
- 11) Impact fees or one-time assessments for anticipated heavy utility usage.
- 12) Other items that the Department considers essential to the reestablishment of the business.

13) Expenses in excess of the regulatory maximums set forth in this Section, i.e., Exterior Signing \$1500 Maximum; Advertisement/New Location \$1500 Maximum; Increased Operating Costs \$5000 Maximum; may be considered eligible if large and legitimate disparities exist between costs of operation at the displacement site and costs of operation at an otherwise similar replacement site. In all such cases, the regulatory limitation for reimbursement of such costs will be waived by the Federal Highway Administration, if a Federally aided project, and such costs payable cannot exceed the \$10,000 (Section 3-107.1 of the Code, as amended by P.A. 85-1407, effective September 22, 1988) total statutory maximum in any case. (54 FR 8938 and 8939,

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

effective March 2, 1989)

c) The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible:

- 1) Purchase of capital assets, such as, office furniture, filing cabinets, machinery or trade fixtures.
- 2) Purchase of manufacturing materials, production supplies, product inventory or other items used in the normal course of the business operation.
- 3) Interior or exterior refurbishments at the replacement site which are for aesthetic purposes rather than to replace soiled or worn surfaces.
- 4) Interest on money borrowed to make the move or to purchase the replacement property.
- 5) No reestablishment expense payment can be made to any part-time business which is conducted in the home when the business income generated does not contribute materially to the household income.
- 6) No reestablishment expense payment can be made to a person whose sole business at a displacement dwelling is the rental of such dwelling to others.
- 7) A reestablishment payment, cannot be made if a fixed moving payment has been claimed or paid. (54 FR 8938 and 8939, effective March 2, 1989)

## SUBPART I: REPLACEMENT HOUSING PAYMENTS

## Section 518.800 General Provisions For Replacement Housing Payments

a) No person to be displaced shall be required to move from his or her dwelling unless at least one comparable replacement dwelling has been made available to such person. Where possible, three or more comparable replacement dwellings will be made available. A comparable replacement dwelling will be considered to have been made available to a person, if:

- 1) The person is informed of its location and;
- 2) The person has time to negotiate and enter into a



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

purchase agreement or lease for the property; and

- 3) Subject to safeguards, the person is assured of receiving the relocation assistance and acquisition payment to which the person is entitled in time to complete the purchase or lease of the property. (54 FR 8940, effective March 2, 1989)
- b) Individuals and families displaced from a dwelling acquired for a highway project are eligible for replacement housing payments provided the additional costs comprising the replacement housing payment are actually incurred. (54 FR 8940, effective March 2, 1989)
- c) The displaced individual or family is not required to relocate to the same occupancy (owner or tenant) status, but has other options according to his/her ownership status and tenure of occupancy. (54 FR 8940, effective March 2, 1989)
- d) Only one replacement housing payment can be made for each dwelling unit except in the case of multi-family occupancy of a single family dwelling unit or in the case of subsequent occupants as described under "Replacement Housing as Last Resort" (see Subpart M). (54 FR 8940, effective March 2, 1989)

## Section 518.805 Occupancy Provisions

In addition to meeting the tenure of occupancy and other requirements, a displaced person must secure and occupy decent, safe, and sanitary replacement housing as defined in Section 518.20. Ordinarily, the cost of the land and dwelling unit at the time of purchase by the displaced person will constitute the "actual cost" in the replacement housing payment determination, however, in the case of replacement dwellings purchased prior to the initiation of negotiations the current fair market value of the same will be used when determining the replacement housing payment due. (54 FR 8942, effective March 2, 1989)

## Section 518.810 Inspection For Decent, Safe and Sanitary Housing

- a) Before any replacement housing claim for payment can be considered, an inspection must be made by a Departmental representative and a determination made that the replacement housing selected is decent, safe and sanitary. Form BW 953, "Dwelling Inspection (DGS)" must be completed to document this inspection and submitted with any claim for payment. (54 FR 8942, effective March 2, 1989)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

- b) The Department may also utilize the services of any public agency ordinarily engaged in housing inspections to make the inspection. Such determination by the Department, or its agent, that a dwelling meets the standards for decent, safe and sanitary housing is made solely for the purpose of determining the eligibility of relocated individuals and families for payments and is not a representation for any other purpose. (54 FR 8942, effective March 2, 1989)
- c) If it is not possible, under the circumstances, for the Department, or its agent, to make the necessary inspection or to secure the needed inspection through a competent third party, a certification from the displacee that he/she has occupied decent, safe and sanitary housing will be sufficient to establish the displacee's eligibility for payment. (54 FR 8942, effective March 2, 1989)

## Section 518.815 Statement of Eligibility to Lending Agency

- a) In order to assist displaced persons in obtaining replacement housing, the Department will, at the displacee's request, state to any interested party, financial institution or lending agency, that the displacee will be eligible to receive a replacement housing payment in a specified amount provided he/she purchases and occupies a decent, safe and sanitary inspected dwelling within the one year time limit. (54 FR 8936, effective March 2, 1989)
- b) A displaced person who has entered into a contract for the construction or rehabilitation of a replacement dwelling and, for reasons beyond his/her reasonable control, cannot occupy the replacement dwelling within the time period set forth in subsection (a) shall be considered to have purchased and occupied the dwelling as of the date of such contract. Payment of the replacement housing payment would be deferred until actual occupancy was accomplished. (54 FR 8936, effective March 2, 1989)
- c) A displaced tenant or owner "occupies" a replacement dwelling, within the meaning of this Section, only if the dwelling is his/her permanent place of residence, and he/she satisfies the eligibility requirements set forth in Section 518.145. (54 FR 8936, effective March 2, 1989)
- d) Any person who has obtained legal ownership of a replacement dwelling or land upon which his/her replacement dwelling is constructed, either before or after displacement, and occupies



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

the replacement dwelling after being displaced, but within the time limit specified in subsection (a), is eligible for a replacement housing payment if the replacement dwelling meets decent, safe and sanitary standards. (54 FR 8936, effective March 2, 1989)

- e) In order to assist displaced persons in obtaining replacement housing, the Department will, at the displacee's request, state to any interested party, financial institution or lending agency, that the displacee will be eligible to receive a replacement housing payment in a specified amount provided he/she purchases and occupies the inspected dwelling within the time limits specified in subsection (a). (54 FR 8936, effective March 2, 1989)

#### Section 518.820 Application For Replacement Housing or Rent Supplement Payments

- a) Applications for replacement housing or rent supplement payments shall be in writing on a claim form to be provided by the Department. The application shall be filed no later than six months after the expiration of the one year period specified except that in condemnation cases, such period shall be extended to six months after final adjudication. (54 FR 8937, effective March 2, 1989)

- b) In the application, the individual or family must indicate that, to the best of their knowledge and belief, the replacement dwelling meets the standards for decent, safe and sanitary housing and that they are eligible for the payment requested. (54 FR 8937, effective March 2, 1989)

- c) The payments will be made directly to the relocated individual or family, or upon written instruction from the relocated individual or family, jointly payable to the lessor, or the seller, or other designated party, for use towards the purchase or rent of a decent, safe and sanitary dwelling. In cases where an applicant otherwise qualifies for a replacement housing or rent supplement payment, and upon his specific request in the application, the Department will make such payments into escrow prior to the displacee's moving. (54 FR 8937, effective March 2, 1989)

- d) Form BRW 963, "Claim for Payment - Replacement Housing Supplement (Owner/Occupant)" will be used by owner-occupants to claim supplemental replacement housing payments as supported by Form BRW 962, "Payment Evaluation Form for Replacement Housing

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

Supplement (Purchase)" and BRW Form 971. The original and three signed copies of the same should be forwarded to the Department to be processed for payment. (54 FR 8937, effective March 2, 1989)

- e) Applications for rent supplements are submitted on Form BRW 965, "Claim for Payment - Rent Supplement", supported by Form BRW 966, "Payment Evaluation Form for Replacement Housing Supplement (Rent)", and BRW Form 971. (54 FR 8937, effective March 2, 1989)

- f) "Rental Assistance" and "Downpayment Assistance" computations are made using Form BRW 1076, "Rental Assistance and Downpayment Assistance Determination Computation". The relocated individual shall attach this documentation to BRW Form 965 when requesting a rent supplement and to BRW Form 963 when requesting a downpayment assistance payment. (54 FR 8937, effective March 2, 1989)

- g) Upon receipt of a claim for a replacement housing supplement, prompt notice of the receipt and disposition of the claim will be mailed directly to the claimant. Form BRW 950, "Notice of Receipt of a Claim for a Relocation Payment" properly completed, will be used for this purpose. (54 FR 8937, effective March 2, 1989)

#### Section 518.825 Advance Replacement Housing Payments In Condemnation Cases

Property owners should not be deprived of the earliest possible payment of replacement housing supplements rightfully due. An advance replacement housing payment can be computed and paid to a property owner at written request if the determination of the State's acquisition price will be delayed pending the outcome of condemnation proceedings. Since the amount of the replacement housing payment cannot be determined due to the pending condemnation proceedings, a provisional replacement housing payment may be calculated by deeming the State's maximum offer for the property as the acquisition price. Payment of such amount may be made upon the owner-occupant's agreement that:

- a) Upon final determination of the condemnation proceedings, the replacement housing payment will be recomputed using the acquisition price determined by the court as compared to the actual price paid or the amount determined by the Department as necessary to acquire a comparable, decent, safe and sanitary dwelling, whichever is less; and
- b) If the amount awarded in the condemnation proceedings as the



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

fair market value of the property acquired plus the amount of the provisional replacement housing payment exceeds the lesser of the price paid for the State's determined cost of a comparable dwelling, the displaced person(s) will refund to the State, from the condemnation judgment, an amount equal to the amount of the excess payment so determined. However, such displaced person(s) shall not be required to refund more than the amount of the replacement housing payment advanced. If the property owner does not agree to such adjustment, the replacement housing payment shall be deferred until the case is finally adjudicated and computed on the basis of the final determination, using the award, as applicable to the dwelling acquired, as the acquisition price. (54 FR 8937, effective March 2, 1989)

## Section 518.830 Nature of Acquisition and Offer

The nature of the taking, i.e., whole take or partial take, farmstead, will be taken into consideration when computing the replacement housing payment as well as the final "acquisition price". The maximum replacement housing payment to be claimed cannot exceed the difference between what the Department paid, or proposes to pay, whichever is greater, and the asking price of a "comparable" dwelling. (54 FR 8940 and 8941, effective March 2, 1989)

## Section 518.835 Whole Takes

The maximum replacement housing payment, if any, is the difference between what the Department paid for the acquired dwelling and the purchase price of a replacement dwelling, not to exceed the adjusted asking price of a comparable dwelling as determined by the Department. (54 FR 8940 and 8941, effective March 2, 1989)

## Section 518.840 Partial Takes

- a) If the acquired dwelling is located on a tract typical in size for residential use in the area, the maximum replacement housing payment is the adjusted asking price of a comparable replacement dwelling, as determined by the Department, on a tract typical in size for its area less the acquisition price of the acquired dwelling and the tract on which it is located. In the case of a partial taking of a typical lot, the proper elements of acquisition cost or amount paid for the acquired dwelling, for relocation and appurtenant structures, special land paid for the dwelling and appurtenant structures, special land improvements, the land taken, temporary easements, if any, and damages to the remainder. The sum of these amounts is then compared to the cost of the selected comparable dwelling to

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

arrive at the replacement housing supplement due. In any case, the maximum housing payment due will be based on the lesser of the purchase price of the actual replacement dwelling or the adjusted asking price of the comparable selected by the Department. (54 FR 8940 and 8941, effective March 2, 1989)

- b) The mortgage interest differential, if any, and the eligible closing costs are then added to this amount to determine the total replacement housing payment due. (54 FR 8940 and 8941, effective March 2, 1989)

## Section 518.845 Dwelling on Land with Higher and Better Use

When the acquired dwelling is located on a tract where the fair market value has been established based on a higher and better use than residential, the maximum replacement housing payment is the adjusted asking price of a comparable replacement dwelling, as determined by the Department, on a tract typical in size for residential use in its area, less the acquisition price of the acquired dwelling plus the actual acquisition price of that portion of the acquired land which represents a tract typical for residential use in the area. (54 FR 8940 and 8941, effective March 2, 1989)

## Section 518.850 Multiple Occupancy of Same Displacement Dwelling Unit

If two or more occupants of the displacement dwelling move to separate replacement dwellings, each occupant is entitled to a reasonable prorated share, as determined by the Department, of any relocation payments that would have been made if the occupants moved together to a comparable replacement dwelling. However, if the Department determines that two or more occupants maintained separate households within the same dwelling, such occupants have separate entitlements to relocation payments. (54 FR 8937, effective March 2, 1989)

## Section 518.855 Joint Residential and Business Use

- a) If displaced individuals or families occupy living quarters on the same premises as a displaced business, farm or nonprofit organization, such individuals or families are to be treated separately for purposes of determining entitlement to relocation payments. If the displacement dwelling unit is part of a property that contains space used for non-residential purposes, only that portion of the acquisition payment which is actually attributable to the displacement dwelling unit itself will be considered its acquisition cost when computing the price differential. (54 FR 8941, effective March 2, 1989)
- b) The procedure for computing replacement housing payment amounts



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

to owners of multi-family dwellings who occupy one unit of such dwellings is as follows:

- 1) The comparable dwelling should be the same as that acquired, i.e., if the acquired property is a triplex, the comparable should be a triplex. If comparables are not available, then structures of the next lowest density must be used. If there are not any available comparable multi-family structures to be found, then the comparison of the owner's living unit would be to a single family residence. A higher density structure should never be used as a comparable.

- 2) The value of the owner's living unit is to be used as the base for the replacement housing payment determination - not the entire fair market value (acquisition price) of the subject property. The replacement housing determination is that difference, if any, between the value of the owner's living unit and the value of a living unit in the most comparable available property. If the comparable is a triplex, the replacement housing payment is based on the value of only one of the three units; if a duplex, the payment is based on one of the two units; if a single family dwelling, the payment is based on the entire value of the dwelling. The other living units of a multi-family dwelling cannot be included in the value of a comparable because these are considered as income producing and not part of the owner's personal living area. (54 FR 8941, effective March 2, 1989)

## Section 518.860 Payment After Death

A replacement housing payment is personal to the displaced person and upon his or her death the undisbursed portion of any such payment shall not be paid to the heirs or assigns, except that:

- a) The amount attributable to the displaced person's period of actual occupancy of the replacement housing shall be paid.
- b) The full payment shall be disbursed in any case in which a member of a displaced family dies and the other family member(s) continue to occupy the replacement dwelling selected in accordance with this Part.
- c) Any portion of a replacement housing payment necessary to satisfy the legal obligation of an estate in connection with

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

the selection of a replacement dwelling by or on behalf of a deceased person shall be disbursed to the estate. (54 FR 8943, effective March 2, 1989)

## Section 518.865 Insurance Proceeds

To the extent necessary to avoid duplicate compensation, the amount of any insurance proceeds received by a person in connection with a loss to the displacement dwelling due to a catastrophic occurrence (fire, flood, etc.) shall be included in the acquisition cost of the displacement dwelling when computing the price differential. (54 FR 8941, effective March 2, 1989)

## Section 518.870 Occupancy Requirements For Displacement or Replacement Dwelling

No person shall be denied eligibility for a replacement housing payment solely because the person is unable to meet the occupancy requirements, set forth in Section 518.145, for a reason beyond his or her control, including:

- a) A disaster, an emergency, or an imminent threat to the public health or welfare, as determined by the President, the Federal agency funding the project, or the Department; or
- b) Another reason, such as a delay in the construction of the replacement dwelling, military reserve duty, or hospital stay, as determined by the Department. (54 FR 8940, effective March 2, 1989)

## Section 518.875 Conversion of Payment

A displaced person who initially rents a replacement dwelling and receives a rental assistance payment is eligible to receive a purchase payment if he or she meets the eligibility criteria for such payments, including purchase and occupancy within the prescribed one year period. Any portion of the rental assistance payment that has been disbursed shall be deducted from the purchase payment. (54 FR 8942, effective March 2, 1989)

## SUBPART J: REPLACEMENT HOUSING PAYMENTS FOR ONE HUNDRED AND EIGHTY DAY OWNER WHO PURCHASES

## Section 518.900 General Requirements For One Hundred and Eighty Day Owner

- a) A displaced owner-occupant of a dwelling may receive additional payments, the combined total of which may not exceed \$22,500 (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988) for the additional costs necessary:



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

- 1) To purchase replacement housing (subject to certain limitations);
- 2) To compensate the owner for the loss, if any, of favorable financing on his/her existing mortgage in the financing of replacement housing; and
- 3) To reimburse the owner for incidental expenses incident to the purchase of replacement housing when such costs are incurred as specified in Section 518.5000. (54 FR 8941 and 8942, effective March 2, 1989)

b) A displaced person is eligible for the replacement housing payment for a one hundred and eighty day homeowner-occupant if the person:

- 1) Has actually owned and occupied the displacement dwelling for not less than one hundred and eighty days immediately prior to the date of the initiation of negotiations; and
- 2) Purchases and occupies a decent, safe, and sanitary replacement dwelling within one year after the later of the following dates (except that the Department may extend such one year period consistent with the standards in Section 518.870.):

- A) The date the person receives final payment for the displacement dwelling or, in the case of condemnation, the date the required amount is deposited with the court, or
- B) The date the person moves from the displacement dwelling. (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988) (54 FR 8941 and 8942, effective March 2, 1989)

c) For the purpose of implementation of the provisions of this Section, a displaced person "purchases" a dwelling when he/she:

- 1) Purchases and rehabilitates a substandard dwelling; or
- 2) Relocates to a dwelling which he or she owns or purchases; or
- 3) Constructs a dwelling on a site he or she owns or

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

purchases; or

- 4) Contracts for the purchase or construction of a dwelling on a site provided by a builder or on a site the person owns or purchases; or
- 5) Currently owns a previously purchased dwelling and site, valuation of which shall be on the basis of current fair market value. (54 FR 8941 and 8942, effective March 2, 1989)

d) The actual cost provision limits the reimbursable construction cost to only those costs necessary to construct a dwelling comparable to the one acquired. The cost of adding new features simply to bring the cost up to the maximum replacement housing payment is not eligible for reimbursement. (54 FR 8941 and 8942, effective March 2, 1989)

## Section 518.905 Amount of Replacement Housing Payment

a) The replacement housing payment for an eligible one hundred and eighty day homeowner-occupant may not exceed \$22,500 (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988), except as provided for under Subpart M, "Replacement Housing as Last Resort". The maximum payment is limited to the amount necessary to relocate to a comparable replacement dwelling within one year from the date the displaced homeowner-occupant is paid for the displacement dwelling, or the date such person is initially offered a comparable replacement dwelling, whichever is later. The payment shall be the sum of:

- 1) The amount by which the cost of a comparable replacement dwelling exceeds the acquisition cost of the displacement dwelling as defined under "Price Differential" in subsection (b); and
- 2) The increased interest costs (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988) and other debt service costs which are incurred in connection with the mortgage(s) on the replacement dwelling; and
- 3) The reasonable expenses incident to the purchase of the replacement dwelling. (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988) (54 FR 8940 and 8941, effective March 2, 1989)



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

b) The price differential to be paid is the amount which must be added to the acquisition cost (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988) of the displacement dwelling to provide a total amount equal to the lesser of:

- 1) The reasonable cost of a comparable replacement dwelling as determined by the Department; or (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988)
- 2) The purchase price of the decent, safe, and sanitary replacement dwelling actually purchased and occupied by the displaced person. (54 FR 8940 and 8941, effective March 2, 1989)

c) To qualify for the full amount the displaced owner-occupant, in addition to meeting any other stated requirements, must also purchase and occupy a decent, safe and sanitary dwelling equal to or higher in price than the acquisition price of the acquired dwelling. In other words, he/she must actually spend this additional amount or more in securing replacement housing in order to receive the maximum payment. (54 FR 8940 and 8941, effective March 2, 1989)

d) If the displaced owner-occupant on his/her own voluntarily purchases and occupies a decent, safe and sanitary dwelling at an amount less than the price described in subsection (c), the replacement housing payment will be reduced to that amount required to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling. (54 FR 8940 and 8941, effective March 2, 1989)

e) If the displaced owner-occupant on his/her own voluntarily purchases and occupies a decent, safe and sanitary dwelling at a price less than the acquisition price of the acquired dwelling, no differential payment will be made. (54 FR 8940 and 8941, effective March 2, 1989)

AGENCY NOTE: As an example, the value of the subject property is determined to be \$40,000. A study of comparable properties indicates an estimated adjusted selling price of \$45,000. On this basis, the replacement housing payment would be \$5,000. In order to receive the \$5,000 payment, the displaced owner-occupant would have to purchase a decent, safe and sanitary dwelling costing \$45,000 or more. If he/she purchased a

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

replacement dwelling for \$44,000, he/she would receive a \$4,000 payment, and so on. If he/she purchased a replacement dwelling for \$40,000 or less, he/she would receive no payment.

f) It is the Department's responsibility to make available a comparable replacement dwelling unit and relocate the displaced person to his/her original ownership status if this is his/her desire. If an alternate tenancy status is desired by the displacee, the Department will make a reasonable effort to accommodate the request. If optional housing is available, the supplement, if any, will be based on the specified option and computed as prescribed in subsections (g) through (n). (54 FR 8940 and 8941, effective March 2, 1989)

g) When a single family dwelling is owned by several persons, and occupied by only some of the owners, the replacement housing payment will be the lesser of:

- 1) The difference between the collective owner-occupants' share of the acquisition cost of the acquired dwelling and the actual cost of the replacement dwelling; or
- 2) The difference between the total acquisition cost of the acquired dwelling and the amount determined by the Department as necessary to purchase a comparable dwelling. (54 FR 8940 and 8941, effective March 2, 1989)

h) If the displaced owner-occupants do not purchase and occupy a decent, safe and sanitary dwelling, the occupants will be entitled to receive a rent supplement payment if the occupants rent and occupy a decent, safe and sanitary dwelling as defined in Section 518.20. (54 FR 8940 and 8941, effective March 2, 1989)

i) If the application of this procedure, because of unusual circumstances, creates an undue hardship on the occupant(s) with a partial ownership, the full facts along with a recommended solution should be submitted to the Department for further resolution. (54 FR 8940 and 8941, effective March 2, 1989)

j) The Department will determine the amount of the replacement housing payment due based on the "three comparable" method (or the "new construction" method) in accordance with guidelines set forth below in subsections (k), (l), and (m). (54 FR 8940 and 8941, effective March 2, 1989)

k) The Department will determine the adjusted asking price of a



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

comparable dwelling by analyzing at least three comparable dwellings which are available on the private market and which meet the requirements of comparability. Form BRW 971, "Replacement or Rental Listings," shall be used to describe the selected comparables. Less than three comparables may be used for this determination when additional comparable dwellings are not available and the Department documents the parcel file to this effect. The selection of such comparables and the computation of the housing supplement will be by a qualified State employee and by a person other than the appraiser or review appraiser on the parcel involved. The comparables selected will be those most nearly comparable and equal to or better than the subject property. (54 FR 8940 and 8941, effective March 2, 1989)

1) The upper limit of a replacement housing payment will be based on the adjusted asking price of a comparable replacement dwelling:

1) If available, at least three comparable replacement dwellings will be examined and the payment computed on the basis of that dwelling which is most nearly representative of, and equal to, or better than, the displacement dwelling. An adjustment shall be made to the asking price to reflect probable selling price, of any selected dwelling to the extent justified by local market data.

2) If the site of the comparable replacement dwelling lacks a major exterior attribute of the displacement dwelling site (e.g., the site does not contain a swimming pool or a greenhouse), the contributory value of such attribute shall be subtracted from the acquisition cost of the displacement dwelling for purposes of computing the payment.

3) If the acquisition of a portion of a typical residential property causes the displacement of the owner from the dwelling and the remainder could be a buildable residential lot, the Department may offer to purchase the entire property. If the owner refuses to sell the remainder to the Department, the fair market value of the remainder may be added to the acquisition cost of the displacement dwelling for purposes of computing the replacement housing payment.

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

4) Comparable replacement dwellings shall be selected to the maximum extent feasible from the neighborhood in which the displacement dwelling was located or, if that is not possible, in nearby or similar neighborhoods where housing costs are generally the same or higher.

5) The relocatee must be advised in writing of the address of the specific comparable that was selected and the adjusted price or rent of the same which was used as the basis for establishing the upper limit of the replacement housing payment. This information must be included in the "Notice" as described in Section 518.745 which is furnished to the displaced owner or tenant. (54 FR 8940 and 8941, effective March 2, 1989)

In the absence of at least one decent, safe and sanitary comparable and subject to prior approval by the Department, the amount of the replacement housing supplement may be determined by obtaining from a qualified and reputable builder, acceptable to the Department, an estimate of the cost of building a new comparable dwelling, including all necessary materials, which is functionally comparable to the old dwelling. Added to this would be the estimated cost of a parcel of residential land, improved with the necessary utilities, typical in size for the area or neighborhood. The acquisition price would be subtracted from the cost of said new home plus the land to determine the replacement housing payment due, as provided in this Section, the owner-occupant actually incurs at least this additional cost and subject to a \$22,500 (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988) statutory maximum in any case. The necessity and the determination to use "New Construction" should be noted in the preliminary or Project Relocation Plans. (54 FR 8940 and 8941, effective March 2, 1989)

n) If the relocatee requests assistance in finding replacement housing, he must be offered housing which is comparable and available for purchase within the total offered amount. When such housing is no longer available, the Department will determine a new replacement housing amount, based on then available housing which is equal to or better than the dwelling acquired and meets the other comparable criteria. However, in no event will the new replacement housing payment be reduced to less than the amount originally computed. (54 FR 8940 and 8941, effective March 2, 1989)

Section 518.910 Increased Interest Payments



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

- a) Increased interest payments are provided to offer some relief to displaced persons for the increased interest costs incurred when financing replacement dwellings. (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988) (54 FR 8941, effective March 2, 1989)
- b) The amount of the increased interest payment will be computed in accordance with the following:
  - 1) The payment will be the amount which will reduce the mortgage balance on the replacement dwelling to an amount which could be amortized with the same monthly payment for principal and interest as that for the mortgage(s) on the displacement dwelling. In addition, payments will include other debt service costs, if not paid as incidental costs, and will be based only on bona fide mortgages that were valid liens on the displacement dwelling for at least one hundred and eighty days prior to the initiation of negotiations. (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988) Eligibility for the increased mortgage interest payment will also be contingent upon a mortgage being placed on the replacement dwelling. Such payments will be computed as provided in this subsection.
  - 2) The payment will be based on the unpaid mortgage balances on the displacement dwelling; however, in the event the displaced person obtains a smaller mortgage than the mortgage balance used in computing the "Buydown" determination, the payment will be prorated and reduced accordingly by dividing the amount of the actual replacement mortgage by the computed eligible replacement mortgage amount. This calculation will provide a percentage factor which can then be applied to the computed "Buydown" amount to arrive at the reduced payment due.
  - 3) In the case of a home equity loan, the unpaid balance will be that balance which existed one hundred and eighty days prior to the initiation of negotiations (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988) or the balance on the date of acquisition, whichever is less.
  - 4) The payment will be based on the remaining term of the mortgage(s) on the displacement dwelling or the term of the new mortgage, whichever is shorter.

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

- 5) The interest rate on the new mortgage used in determining the amount of the payment cannot exceed the prevailing fixed interest rate for conventional mortgages currently charged by mortgage lending institutions in the area in which the replacement dwelling is located.
- 6) Purchaser's points and loan origination or assumption fees, but not seller's points, will be paid to the extent:
  - A) That the purchaser's points are not paid as incidental expenses;
  - B) The purchaser's points do not exceed rates normal to similar real estate transactions in the area;
  - C) The Department determines the purchaser's points to be necessary; and
  - D) The computation of such points and fees will be based on the unpaid mortgage balance on the displacement dwelling, less the amount determined for the reduction of such mortgage balance.
- 7) The displaced person will be advised of the approximate amount of this payment as soon as the facts relative to the person's current mortgages are known and the payment will be made available at or near the time of closing on the replacement dwelling in order to reduce the new mortgage as intended.
- 8) The payment described in this Section may be made directly to the displaced individual or family, or upon written instruction from the displaced individual or family, directly to the mortgagee of the replacement dwelling by naming the mortgagee as a co-payee on the warrant.
- 9) In the case of a partial taking and when the dwelling is located on a tract normal in size for residential use in the area, the interest payment shall be reduced to the percentage ratio that the acquisition price bears to the before value. When the mortgagee requires the entire mortgage balance to be paid because of the acquisition and it is necessary to refinance, the reduction shall not apply.



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

10) In the case of a partial taking and when a dwelling is located on a tract larger in size than normal for residential use in the area, the total mortgage balance shall be reduced to the percentage ratio that the value of the residential portion bears to the before value for computational purposes. This reduction shall apply whether or not it is required that the entire mortgage balance be paid.

11) The interest payment on multi-use properties shall be reduced to the percentage ratio that the residential value of the multi-use property bears to the before value.

12) If a dwelling is located on a tract where the fair market value is established on a higher and better than residential use, and if the mortgage is based on residential value, the interest payment shall be computed as provided in subsection (b). If the mortgage is based on the higher use, however, the interest payment shall be reduced to the percentage ratio that the estimated residential value of the parcel has to the before value. (54 FR 8940 and 8941, effective March 2, 1989)

## Section 518.915 Incidental Expenses - Amount of Payment

The incidental expenses to be paid are those necessary and reasonable costs actually incurred by the displaced person incident to the purchase of a replacement dwelling, (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988) and customarily paid by the buyer, including:

- a) Legal, closing, and related costs, including those for title search, preparing conveyance instruments, notary fees, preparing surveys and plats, and recording fees.
- b) Lender, FHA, or VA application and appraisal fees.
- c) Loan origination or assumption fees that do not represent prepaid interest.
- d) Certification of structural soundness and termite inspection when required.
- e) Credit report.

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

- f) Owner's and mortgagee's evidence of title e.g. title insurance, not to exceed the costs for a comparable replacement dwelling.
- g) Escrow agent's fee.
- h) State revenue or documentary stamps, sales or transfer taxes (not to exceed the costs for a comparable replacement dwelling).
- i) Such other costs as the Department determines to be incidental to the purchase. (54 FR 8941, effective March 2, 1989)

## Section 518.920 Combined Payments Not to Exceed \$22,500

If an owner occupant is otherwise qualified for a payment under this Subpart, but has previously received a rent supplement payment, such rent supplement amount will be deducted from the amount to which he is entitled under this Section. In no event may the combined payments exceed \$22,500 (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988). (54 FR 8940, effective March 2, 1989)

## Section 518.925 Owner Retention

Owners may be allowed the option of retaining their dwellings. In cases of owner retention and occupancy, the replacement housing payment shall be computed in accordance with the following: If the owner retains ownership of his or her dwelling, moves it from the displacement site, and reoccupies it on a replacement site, the purchase price of the replacement dwelling shall be considered to be the sum of:

- a) The moving expenses and the cost of restoration to a condition comparable to that prior to the move (excluding any betterments); and
- b) The costs required and incurred to make the unit a decent, safe, and sanitary replacement dwelling; and
- c) The current fair market value for residential use, of the replacement site, unless, moved to the remainder, and unless the claimant rented the displacement site and there is a reasonable opportunity for the claimant to rent a suitable replacement site; and
- d) The retention value of the dwelling, if such retention value is reflected in the "acquisition cost" used when computing the replacement housing payment. (54 FR 8941, effective March 2, 1989)



SUBPART K: SUPPLEMENTAL PAYMENT FOR ONE HUNDRED AND EIGHTY DAY OWNER WHO RENTS

Section 518.1000 General Information On Supplemental Payment

An owner-occupant eligible for a replacement housing purchase supplement payment who elects to rent a replacement dwelling is eligible for a rent supplement payment not to exceed either \$5,250 or the amount such owner would have been eligible to receive as a purchase replacement housing payment, whichever is less. (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988) (54 FR 8941, effective March 2, 1989)

Section 518.1005 Computation and Disbursement of Payment

The payment shall be computed and disbursed in accordance with Section 518.2005, except that the present rental rate shall be economic rent. (54 FR 8941, effective March 2, 1989)

SUBPART L: REPLACEMENT HOUSING PAYMENTS FOR NINETY DAY OCCUPANTS

Section 518.2000 Eligibility For Ninety Day Occupants

A tenant or owner-occupant displaced from a dwelling is entitled to a payment not to exceed \$5,250 (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988) for rental assistance, as computed in accordance with Section 518.2005 or downpayment assistance, as computed in accordance with Section 518.2010, if such displaced person:

- a) Has actually and lawfully occupied the displacement dwelling for at least ninety days immediately prior to the initiation of negotiations; and (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988)
- b) Has rented, or purchased, and occupied a decent, safe, and sanitary replacement dwelling within one year (unless the Department extends this period for good cause) after:
  - 1) For a tenant, the date he or she moves from the displacement dwelling; or
  - 2) For an owner-occupant, the later of:
    - A) The date he or she receives final payment for the displacement dwelling, or in the case of condemnation, the date the required amount is deposited with the court; or

- B) The date he or she moves from the displacement dwelling. (54 FR 8941 and 8942, effective March 2, 1989)

Section 518.2005 Rental Assistance Payment

- a) An eligible displaced person who rents a replacement dwelling is entitled to a payment not to exceed \$5,250 (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988) for rental assistance. Such payment shall be forty two times the amount obtained by subtracting the base monthly rental for the displacement dwelling from the lesser of:

- 1) The monthly rent and estimated average monthly cost of utilities for a comparable, as determined by the Department, replacement dwelling; or
- 2) The monthly rent and estimated average monthly cost of utilities for the decent, safe, and sanitary replacement dwelling actually occupied by the displaced person. (54 FR 8941 and 8942, effective March 2, 1989)

- b) The base monthly rental for the displacement dwelling is the lesser of:

- 1) The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to displacement, as determined by the Department. (For an owner-occupant, the Department will use the fair market rent for the displacement dwelling. For a tenant who paid little or no rent for the displacement dwelling, the Department will use the fair market rent, unless its use would result in a hardship because of the person's income or other circumstances; or
- 2) Thirty percent of the displaced person's average gross household income. (If the displaced person refuses to provide appropriate evidence of income or is a dependent, the base monthly rental will be the present average monthly rent plus utilities, as determined by the Department. A full time student or resident of an institution will be assumed to be a dependent, unless the person demonstrates otherwise.) (54 FR 8941 and 8942, effective March 2, 1989)

- c) The amount of the rental payment, set forth in subsection (b)(1) and (2), shall be disbursed in a lump sum amount unless



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

the Department determines on a case by case basis, for good cause, that the payment should be made in installments. If paid in installments the full amount computed vests immediately, whether or not there is any later change in the person's income or rent, or in the condition or location of the person's housing. (54 FR 8941 and 8942, effective March 2, 1989)

- d) If a tenant, after moving to a decent, safe and sanitary dwelling, relocates again within the one year period to a higher cost rental unit, he may present another claim for the amount in excess of what was originally claimed, but not to exceed the total rent supplement originally computed by the Department. (54 FR 8941 and 8942, effective March 2, 1989)

## Section 518.2010 Downpayment Assistance Payment

- a) An otherwise eligible displaced residential tenant or homeowner, who has occupied the acquired dwelling for ninety days or more prior to the initiation of negotiations to acquire such dwelling, who purchases and occupies a replacement dwelling, is entitled to a downpayment assistance payment in an amount not to exceed the amount such person would have been eligible to receive as a rental assistance payment as computed under the provisions of Section 518.2005 if the person had rented a comparable replacement dwelling. Thus, the maximum downpayment assistance payment to be claimed and paid, including eligible incidental expenses, cannot exceed the rental assistance payment that could have been claimed, not to exceed in any case the actual downpayment made plus eligible incidental expenses, if less.

- 1) "Required downpayment" means the down payment ordinarily required to obtain conventional loan financing for the decent, safe, and sanitary dwelling actually purchased and occupied. However, if the downpayment actually required of a displaced person for the purchase of the replacement dwelling exceeds the amount ordinarily required, the amount of the "required downpayment" shall be the amount which the Department determines is necessary for the downpayment.

- A) Added to the amount determined in subsection (a)(1) shall be the amount required to be paid by the purchaser as points, or origination or loan services fee, if such fees are normal to real estate transactions in the area, on the

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

comparable dwelling, or the replacement dwelling, whichever is the lesser.

- B) Eligible incidental expenses are also reimbursable as provided in Section 518.915.
- C) Upon purchase and occupancy of a decent, safe and sanitary dwelling within the prescribed time limits, and the submittal of a claim for payment with the required documentation on a form BRW 963 to be provided by the Department, the displaced person will be reimbursed in the amount of the eligible downpayment and the eligible incidental expenses as computed and determined by the Department. A displaced one hundred and eighty day homeowner-occupant is not eligible for this downpayment assistance payment.

- D) The full amount of the replacement housing payment for downpayment assistance must be applied to the purchase price and to the incidental expenses and such downpayment and incidental costs claimed must be shown in the closing statement.

- 2) The payment to a short term, at least ninety days but less than one hundred and eighty days, displaced homeowner cannot exceed the amount such owner would have received under Section 518.920 if he or she had met the one hundred and eighty day occupancy requirement. (54 FR 8942, effective March 2, 1989)

- b) The full amount of the replacement housing payment for downpayment assistance will be applied toward the purchase price of the replacement dwelling and related eligible incidental expenses as recited at Section 518.915, and acceptable documentation must be furnished to the Department. (54 FR 8942, effective March 2, 1989)

## SUBPART M: REPLACEMENT HOUSING AS LAST RESORT

## Section 518.3000 Purpose For Last Resort Housing

The purpose of Subpart M is to prescribe the provisions and procedures to provide for replacement housing as last resort when it is determined that a State or Federally-aided project cannot proceed to actual construction on a timely basis because **comparable replacement sale or rental housing is**



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

not available for highway displacees and cannot otherwise be made available (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988) to them. (54 FR 8943, effective March 2, 1989)

## Section 518.3005 Eligibility Requirements For Last Resort Housing

- a) A displaced person cannot be required to move from his or her dwelling unless and until at least one comparable replacement dwelling is made available to that person. Last resort housing may also, at the discretion of the Department, be provided for displacees who are ineligible for a rent supplement or a replacement housing payment e.g., persons who have occupied the property for less than ninety days prior to the initiation of negotiations or who began occupancy after the start of negotiations, when such displacees cannot afford comparable rental replacement housing using their own funds, i.e., such housing is not available at rental rates that are within thirty percent of the person's gross monthly household income.

- 1) When the replacement housing payments described in subsection (a) are not sufficient to provide such housing, additional measures may be needed. The Department is authorized to take additional measures when it determines that there is a reasonable likelihood that the project will not be able to proceed to completion in a timely manner because no comparable replacement dwelling will be available on a timely basis to a person to be displaced. The Department's obligation to ensure that a comparable replacement dwelling is available will be met when such a dwelling, or assistance necessary to provide such a dwelling, is offered.

- 2) This Part does not deprive any displaced person of any rights the person may have under the Uniform Act or any implementing regulations, to receive relocation assistance, moving costs or replacement housing payments for which he/she may be otherwise eligible nor of his/her freedom of choice in the selection of replacement housing.

- 3) The State may not require a displaced person, without his/her written consent, to accept a dwelling provided by the State under this Part in lieu of his/her acquisition payment, if any, for the real property from which he/she is displaced or the replacement housing or rent supplement payment for which he/she may be

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

eligible. A one hundred and eighty day homeowner-occupant who is eligible for a payment is entitled to a reasonable opportunity to purchase a comparable replacement dwelling.

- 4) However, the State's obligation of providing comparable replacement housing will have been discharged when comparable replacement housing has been made available to the displaced person in compliance with the said Uniform Act.

- 5) If the displacee does not accept the comparable replacement housing provided by the State but obtains and occupies other decent, safe and sanitary housing, the replacement housing payment shall be the amount necessary to provide comparable replacement housing or the amount actually incurred by the displacee for decent, safe and sanitary housing, whichever is the lesser. (54 FR 8943, effective March 2, 1989)

- b) Any person displaced because of the acquisition of real property for a last resort housing project under the State's power of eminent domain (including amicable agreements under the threat of such power) is entitled to all benefits for which he/she is eligible under this Part, except:

- 1) The provision described in subsection (b) is not applicable to an owner-occupant who voluntarily acts to sell his property to the State for last resort housing; and

- 2) The owner-occupant so certifies in a statement maintained in the State's files. (54 FR 8943, effective March 2, 1989)

- c) The selection of prime contractors and subcontractors shall be made by the State on a nondiscriminatory basis and in accordance with the requirements in Title VI of the Federal Civil Rights Act of 1964 and Executive Orders 11246 (September 24, 1965) and 11625 (October 13, 1971). (54 FR 8943, effective March 2, 1989)

## Section 518.3010 Applicability For Utilization of Last Resort Housing

- a) Commitments should not be made to make payments in excess of \$22,500 or \$5,250 (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988), or to otherwise provide housing of last resort, in advance of specific approvals



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

and concurrence in study findings and conclusions by the Department. (54 FR 8943, effective March 2, 1989)

b) Such housing may be provided when comparable replacement housing is not available for the displaced person; or

1) Comparable replacement housing is available for the displaced person within his financial means but:

A) the computed replacement housing payment exceeds the \$22,500 (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988) limitation described in Subpart H; or

B) the computed rent supplement exceeds the \$5,250 (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988) limitation described in Subpart H.

2) Any decision to provide last resort housing assistance must be adequately justified;

A) Which means that appropriate consideration has been given to:

i) The availability of comparable housing in the project or program area; and

ii) The resources available to provide comparable housing; and

iii) The individual circumstances of the displaced person; or

B) By a determination that:

i) There is little, if any, comparable replacement housing available to displaced persons within an entire project or program area; and, therefore a case-by-case justification for last resort housing assistance is not necessary; and

ii) A project or program cannot be advanced to completion in a timely manner without last resort housing assistance; and

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

iii) The method selected for providing last resort housing assistance is cost effective, considering all elements which contribute to total project or program costs, i.e., will project delay justify waiting for less expensive replacement housing to become available. (54 FR 8943, effective March 2, 1989)

c) The one hundred and eighty day owner-occupant is eligible for increased interest costs, closing costs, and a replacement housing payment. When the sum of these items is estimated to exceed the \$22,500 (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988) maximum, last resort housing provisions are applicable. (54 FR 8943, effective March 2, 1989)

d) A ninety day owner or tenant as prescribed in Subpart H is eligible for a rent supplement. When this payment is expected to exceed the \$5,250 (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988) maximum, last resort housing provisions found in Section 518.3005 are applicable. (54 FR 8943, effective March 2, 1989)

e) When comparable replacement housing is not available and cannot otherwise be made available, the Department will have broad latitude in implementing this requirement but implementation must be on a reasonable cost basis justified on a case by case basis unless an exception to case by case analysis is justified for an entire project. The methods of providing last resort housing include, but are not limited to, the following:

1) A replacement housing payment in excess of the limits of \$22,500 (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988) to an eligible owner-occupant and \$5,250 (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988) to an eligible tenant-occupant. A rental assistance payment may be provided in installments or in a lump sum at the State's discretion;

2) The purchase of land or replacement dwellings and subsequent sale or lease to, or exchange with, a displaced person. When such acquisitions are made under the State's power of eminent domain or the threat of eminent domain, on Federally aided projects, State and FHWA procedures implementing provisions of Title III of



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 will apply. Such procedures are not required if property purchased has been offered for sale on the open market or the owner voluntarily acts to sell his property to the State and the owner so certifies in a statement maintained in the Department's file.

- 3) The rehabilitation of or additions to existing replacement dwellings, including such as required to meet decent, safe and sanitary requirements provided the cost of acquisition and rehabilitation does not exceed the estimated cost of construction of a new comparable dwelling meeting the decent, safe and sanitary requirements of the displacees that can be constructed on a timely basis.
- 4) The relocation and, if necessary, the refurbishing or rehabilitation of dwellings purchased by the State for right-of-way purposes.
- 5) The construction of new replacement dwellings.
- 6) The transfer from the Federal General Services Administration to the State of any real property surplus to the needs of the United States. If so, such transfer shall be subject to such terms and conditions as the said General Services Administration determines necessary to protect the interest of the United States and may be made without monetary consideration, except that the State shall pay to the United States all amounts received by the State from any sale, lease, or other disposition of such property used for replacement housing purposes.
- 7) The provisions of a direct loan, which requires regular amortization or deferred repayment. The loan may be unsecured or secured by the real property. The loan may bear interest or be interest free.
- 8) The removal of barriers to the handicapped; and
- 9) The change in status of the displaced person from tenant to homeowner when it is more cost effective to do so, as in cases where a downpayment may be less expensive than a last resort rental assistance payment. (54 FR 8943, effective March 2, 1989)

- f) Under special circumstances, modified methods of providing housing of last resort permit consideration of:
  - 1) Replacement housing based on space and physical characteristics different from those in the displacement dwelling. The physical characteristics of the replacement dwelling may be dissimilar to those of the displacement dwelling but they may never be inferior.

AGENCY NOTE: Such variation should never result in a lowering of housing standards nor should it ever result in a lower quality of living style for the displaced person.

- A) One example might be the use of a new mobile home to replace a very substandard conventional dwelling in an area where comparable conventional dwellings are not available.
- B) Another example could be the use of a superior, but smaller decent, safe and sanitary dwelling to replace a large, old sub-standard dwelling, only a portion of which is being used as living quarters by the occupants and no other large comparable dwellings are available in the area.
- 2) Upgraded, but smaller replacement housing that is decent, safe and sanitary and adequate to accommodate individuals or families displaced from marginal or substandard housing with probable functional obsolescence.
- 3) The financial means of a displaced person who is not eligible to receive a replacement housing payment because of failure to meet length-of-occupancy requirements when comparable replacement rental housing is not available at rental rates within thirty percent of the person's gross monthly household income. (54 FR 8943, effective March 2, 1989)

- g) It is the responsibility of the Department under this subsection to provide a replacement dwelling which places the displacee in the same ownership or tenancy status as he had prior to displacement. At the request of the displacee, the Department may provide a dwelling which changes the ownership or tenancy status of the displacee if such a dwelling is available and can be provided more economically.



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

- 1) The Department is not required to provide persons owning only a fractional interest in the displacement dwelling a greater level of assistance to purchase a replacement dwelling than the Department would be required to provide such persons if they, individually, owned the fee simple title to the displacement dwelling.
- 2) If such assistance is not sufficient to buy a replacement dwelling, the Department may provide either additional purchase assistance or rental assistance. (54 FR 8943, effective March 2, 1989)

h) **The Department may enter into cooperative agreements** (Section 4-511 of the Code) with any other Federal, State or local agency or contract with any individual, firm, association or corporation for services in connection with these activities. It is expected that the Department will, to the greatest extent practicable, utilize the services of Federal, State or local housing agencies, or other agencies having experience in the administration or conduct of similar housing assistance activities. (54 FR 8943, effective March 2, 1989)

## SUBPART N: MOBILE HOMES

## Section 518.4000 Scope - Mobile Homes

a) This subsection describes the special additional requirements governing the provision of relocation payments to a person displaced from a mobile home or mobile home site who meets the basic eligibility requirements for displaced owner-occupants and tenant-occupants as described under Subpart H: MOVING PAYMENTS. Except as modified by this subsection and the subsections that follow such a displaced person is entitled to a moving expense payment in accordance with Sections 518.710 and 518.715 and a replacement housing payment in accordance with Subpart H to the same extent and subject to the same requirements as persons displaced from conventional dwellings. (54 FR 8943 and 8944, effective March 2, 1989)

b) Both the mobile home and mobile home site must be considered when computing a replacement housing payment. For example, a displaced mobile home occupant may have owned the displacement mobile home and rented the site or may have rented the displacement mobile home and owned the site. Also, a person may elect to purchase a replacement mobile home and rent a replacement site, or rent a replacement mobile home and

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

purchase a replacement site. In such cases, the total replacement housing payment shall consist of a payment for a dwelling and a payment for a site, each computed under provisions of Sections 518.2005 and 518.2010. However, the total replacement housing payment shall not exceed the maximum payment (either \$22,500 or \$5,250 (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988)), permitted under Sections 518.2005 and 518.2010 that governs the computation for the dwelling. (54 FR 8943 and 8944, effective March 2, 1989)

## c) Cost of Comparable Replacement Dwelling:

- 1) If a comparable replacement mobile home is not available, the replacement housing payment shall be computed on the basis of the reasonable cost of a conventional comparable replacement dwelling.
- 2) If the Department determines that it would be practical to relocate the mobile home, but the owner-occupant elects not to do so, the Department may determine that, for purposes of computing the price differential, that the cost of a comparable replacement dwelling is the sum of the value of the mobile home; the cost of any necessary repairs or modifications; and the estimated cost of moving the mobile home to a replacement site. (54 FR 8943 and 8944, effective March 2, 1989)

d) If the mobile home is not actually acquired, but the occupant is considered displaced, the "initiation of negotiations" is the initiation of negotiations to acquire the land, or, if the land is not acquired, the written notification that he or she is a displaced person. (54 FR 8943 and 8944, effective March 2, 1989)

e) If the owner-occupant is reimbursed for the cost of moving the mobile home, he or she is not eligible to receive a replacement housing payment to assist in purchasing or renting a replacement mobile home. The owner-occupant may, however, be eligible for assistance in purchasing or renting a replacement site. (54 FR 8943 and 8944, effective March 2, 1989)

## Section 518.4005 Applicability - Moving the Mobile Home

a) A homeowner-occupant displaced from a mobile home or mobile home site is entitled to a payment for the cost of moving his or her mobile home on an actual cost basis in accordance with



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

Section 518.720 and the special provisions described in subsection (b). (54 FR 8943 and 8944, effective March 2, 1989)

b) A non-occupant owner of a rented mobile home is eligible for actual cost reimbursement under Section 518.740. However, if a mobile home is not acquired, but the homeowner-occupant obtains a replacement housing payment under one of the circumstances described in this Part the said owner is not eligible for payment for moving the mobile home.

1) If a displaced mobile homeowner files a claim for actual moving expenses for the cost of moving the mobile home to a replacement site, the reasonable costs of disassembling, moving, and reassembling any attached appurtenances such as porches, decks, skirting, and awnings which were not acquired, anchoring of the unit, and utility "hook-up" charges, are also reimbursable.

2) If a mobile home requires repairs or modifications so that it can be moved to a replacement site, and made decent, safe, and sanitary, and the Department determines that it would be economically feasible to incur the additional expenses thereof, the reasonable costs of such repairs or modifications are reimbursable.

3) The cost of moving a mobile home may include the cost of detaching and reattaching fixtures and appliances when applicable. (54 FR 8943 and 8944, effective March 2, 1989)

## Section 518.4010 Other Directives

All of the eligibility provisions described in Subparts (J), (K), and (L) are applicable to persons displaced from mobile homes or mobile home sites. (54 FR 8943, effective March 2, 1989)

## Section 518.4015 Acceptability of the Mobile Home

If otherwise eligible under this Subpart, the owner of a mobile home is entitled to a replacement housing payment if his mobile home does not meet comparable mobile homes park entrance requirements. The amount of such payment will be computed as the difference between acquisition cost (or the trade in value of the mobile home that is personalty and is not acquired) and the price of a mobile home acceptable to the mobile home park or, if less, the cost to rehabilitate the existing mobile home, if practicable, to meet the entrance requirements. (54 FR 8944, effective March 2, 1989)

## Section 518.4020 Mobile Home Park Entrance Fees

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

A nonreturnable mobile home park entrance fee is reimbursable to the extent it does not exceed the fee at a comparable mobile home park, if the person is displaced from a mobile home park, or the Department determines that payment of the fee is necessary to effect relocation. (54 FR 8944, effective March 2, 1989)

## Section 518.4025 Partial Acquisition of Mobile Home Park

The acquisition of a portion of a mobile home park may leave a remaining part of said park that is not adequate to continue the operation of the park. If the Department determines that a mobile home which is located in the remaining part of the park must be moved as a direct result of the project, the owner/occupant or tenant/occupant of such mobile home shall be considered a displaced person who is entitled to all relocation payments and other provisory assistance. (54 FR 8944, effective March 2, 1989)

## Section 518.4030 Mobile Home as Replacement Dwelling

A mobile home may be considered a replacement dwelling provided it otherwise substantially meets all applicable requirements for decent, safe and sanitary dwellings as defined in Section 518.20. (54 FR 8944, effective March 2, 1989)

## Section 518.4035 General Rules For Replacement Housing or Rent Supplement Payment Computations

a) The ownership or tenancy of the mobile home (not the land on which it is located) determines the occupant's status as a owner or a tenant. The length of ownership and occupancy of the mobile home on the mobile home site will determine the occupant's status as a one hundred and eighty day or ninety day, respectively, owner or tenant. (54 FR 8944, effective March 2, 1989)

b) The mobile home must be occupied on the same site (or in the same mobile home park) for the requisite ninety or one hundred and eighty days to make the occupant eligible for the appropriate payment limitations, i.e., \$5,250 or \$22,500 (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988). (54 FR 8944, effective March 2, 1989)

c) After these determinations are made, the replacement housing payment is computed in two parts:

- 1) The replacement housing or rent supplement payment is computed for the mobile home in accordance with the same



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

procedures as for any other comparable dwelling unit.

- 2) The replacement housing or rent supplement payment for the mobile home site will be computed in accordance with the same "comparability" procedures normally used to compute replacement housing payments. However, any payment due will be subject to the stated maximums available to either an owner or a tenant, as the case may be. Payment is limited to the stated maximums according to his/her ownership or tenancy of the land. (54 FR 8944, effective March 2, 1989)
- d) In any case, the sum of the two parts computed as above cannot exceed the stated maximum limitations of \$5,250 or \$22,500 (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988), respectively. (54 FR 8944, effective March 2, 1989)
- e) If the displaced person desires to utilize his/her option for change of ownership or tenancy, the same procedures utilized for other dwelling units, as described in Subpart L, will be utilized and substituted as appropriate. (54 FR 8944, effective March 2, 1989)

## Section 518.4040 No Available Comparable Replacement Site

If the mobile home cannot be moved because there is no available comparable replacement site, the displacee is eligible for a price differential payment as described in Section 518.4060. (54 FR 8944, effective March 2, 1989)

## Section 518.4045 Moving Expenses

Occupants of mobile homes are eligible to receive moving expense payments as provided for in Subpart H and are also subject to the eligibility requirements set forth in this Part. However, in order to qualify for and to receive such moving payments, the displaced person must move the contents of the mobile home and other personal property separate and apart from the mobile home itself. Reimbursement for the costs of moving the mobile home itself can only be made on an actual cost basis as provided for at Section 518.4005. (54 FR 8943, effective March 2, 1989)

## Section 518.4050 Replacement Housing Payment For One Hundred and Eighty Day Mobile Homeowner-Occupants

- a) A displaced owner-occupant of a mobile home is entitled to a replacement housing payment, not to exceed \$22,500 (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

September 22, 1988), as provided under Subpart H if:

- 1) The person both owned the displacement mobile home and occupied it on the displacement site for at least one hundred and eighty days immediately prior to the initiation of negotiations. (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988)
- 2) The person meets the other basic eligibility requirements at Subpart H; and
- 3) The Department acquires the mobile home or mobile home site, or the mobile home is not acquired by the Department but the owner is displaced from the mobile home because the Department determines that the mobile home:
  - A) Is not and cannot economically be made decent, safe, and sanitary; or
  - B) Cannot be relocated without substantial damage or unreasonable cost; or
  - C) Cannot be relocated because there is no available comparable replacement site; or
  - D) Cannot be relocated because it does not meet mobile home park entrance requirements. (54 FR 8944, effective March 2, 1989)

- b) If the mobile home is not acquired and the Department determines that it is not practical to relocate it, the acquisition cost of the displacement dwelling to be used when computing the price differential amount, as described in Sections 518.4055 and 518.4060, will be the salvage value or the trade-in value of the mobile home, whichever is higher. (54 FR 8944, effective March 2, 1989)

## Section 518.4055 Acquisition of Mobile Home and Site

- a) The replacement housing payment will be the amount, if any, which when added to the amount for which the Department acquired the mobile home and site equals the lesser of:
  - 1) The amount the owner is required to pay for a decent, safe and sanitary replacement mobile home and site; or



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

- 2) The amount determined by the Department as necessary to purchase a comparable mobile home and site in accordance with Subpart H. (54 FR 8944, effective March 2, 1989)
- b) If the owner elects to rent, the rent supplement payment shall be determined by subtracting forty two times the economic rent of the mobile home and site as determined by the Department from the lesser of:
- 1) The amount determined by the Department necessary to rent a comparable mobile home and site for a period of **forty two months** (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988); or
  - 2) Forty two times the monthly rent actually paid for a replacement dwelling. (54 FR 8944, effective March 2, 1989)

## Section 518.4060 Acquisition of Site Only

Upon acquisition of the site, but not the home situated upon the site, and the mobile home is required to be moved, the replacement housing payment will be determined as follows:

- a) The replacement housing payment will be the amount, if any, which when added to the amount for which the Department acquired his mobile home site equals the lesser of:
- 1) The amount the owner is required to pay for a comparable site; or
  - 2) The amount determined by the Department as necessary to purchase a comparable mobile home site. (54 FR 8944, effective March 2, 1989)
- b) If the owner elects to rent, the rent supplement payment shall be determined by subtracting forty two times the economic rent of the mobile home site as determined by the Department from the lesser of:
- 1) The amount determined by the Department as necessary to rent a comparable mobile home site for **forty two months** (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988); or
  - 2) Forty two times the monthly rent actually paid for a

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

- replacement mobile home site. (54 FR 8944, effective March 2, 1989)
- c) When the mobile home which must be moved from the site is classified as personalty and is not acquired by the State, the displaced owner/occupant is entitled to a replacement housing payment if:
- 1) The structural condition of the mobile home is such that it cannot be moved without substantial damage or unreasonable costs. The payment to be determined by the Department will be computed using the "trade-in value" or the "salvage value," whichever is higher, instead of "acquisition cost", to determine the maximum replacement housing payment due; or
  - 2) The mobile home is not decent, safe and sanitary. The payment determination by the Department will be computed using the "trade-in value," or the "salvage value," whichever is higher, instead of "acquisition cost" to determine the maximum replacement housing payment due. (54 FR 8944, effective March 2, 1989)

## Section 518.4065 Acquisition of Mobile Home Only - Owner-Occupant Rents Site

- a) The replacement housing payment will be the amount, if any, which when added to the amount for which the Department acquired the mobile home equals the lesser of:
- 1) The actual amount the owner is required to pay for a replacement dwelling; or
  - 2) The amount determined by the Department as necessary to purchase a comparable mobile home, plus the difference between: the amount determined by the Department as necessary to rent a comparable mobile home site for **forty two months** (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988); and forty two times the rent being paid on the site acquired. (54 FR 8944, effective March 2, 1989)
- b) The owner may choose to purchase a comparable mobile home site as an alternative to renting a site. If so, the down payment for the site will be computed in accordance with Section 518.2010. (54 FR 8944, effective March 2, 1989)
- c) If the owner elects to rent a replacement mobile home, the rent



DEPARTMENT OF TRANSPORTATION

NOTICE OF PEREMPTORY RULES

supplement payment shall be determined by subtracting forty two times the economic rent of the mobile home as determined by the Department and the actual rent of site from the lesser of:

- 1) The amount determined by the Department necessary to rent a comparable mobile home and site for **forty two months** (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988); or
- 2) Forty two times the monthly rent actually paid for a replacement dwelling. (54 FR 8944, effective March 2, 1989)

AGENCY NOTE: Computed in accordance with Section 518.2005.

Section 518.4070 Acquisition of Rented Site Only - Mobile Home Not Acquired

- a) Upon acquisition of the site, but not the home situated upon that site and the mobile home is required to be moved, the owner-occupant of the mobile home is eligible for up to **\$5,250** (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988):

- 1) To be used as a downpayment on the replacement site. The eligible amount of such downpayment will be determined by the Department in accordance with Section 518.2010.

- 2) As a rent supplement for a comparable replacement site. This rent supplement payment will be computed in accordance with Section 518.2005 and will be the difference determined by subtracting forty two times the rent on the site being acquired from the lesser of:

- A) The amount determined by the Department as necessary to rent a comparable home site for **forty two months** (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988); or

- B) Forty two times the monthly rent actually paid for a replacement site. (54 FR 8944, effective March 2, 1989)

- b) See Section 518.4060 for circumstances under which a replacement housing payment for the mobile home may be qualified. (54 FR 8944, effective March 2, 1989)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PEREMPTORY RULES

Section 518.4075 Replacement Housing Payment For Ninety Day Owner-Occupants

A displaced owner-occupant of a mobile home who has occupied the mobile home on the site from which he is being displaced for less than one hundred and eighty days but more than ninety days and who is otherwise eligible under the provisions of Subpart H is eligible for an amount **not to exceed \$5,250** (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988) to be computed in accordance with Section 518.2010 to be used as a downpayment on the purchase of replacement housing and as a reimbursement for eligible incidental expenses computed in accordance with Section 518.2010. If he elects to rent, a rent supplement payment shall be determined as computed in Section 518.2005. Such payments are to be disbursed in accordance with Subpart K. (54 FR 8944, effective March 2, 1989)

Section 518.4080 Acquisition of Mobile Home and Site

- a) If the owner-occupant purchases a replacement dwelling, the replacement housing payment will be determined in accordance with Section 518.2010. (54 FR 8944, effective March 2, 1989)
- b) If the owner-occupant elects to rent, the rent supplement shall be determined by subtracting forty two times the economic rent of the acquired mobile home and site as determined by the Department from the lesser of:

- 1) The amount determined by the Department necessary to rent a comparable mobile home and site for **forty two months** (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988); or
- 2) Forty two times the monthly rent actually paid for a replacement dwelling. (54 FR 8944, effective March 2, 1989)

Section 518.4085 Acquisition of Site Only From Owner-Occupant of Mobile Home

- a) If the owner-occupant purchases a replacement dwelling, or a replacement site, the replacement housing payment will be determined in accordance with the requirements for conventional replacement housing or for the site to which the mobile home is moved, and the replacement housing payment will be an amount determined in accordance with Section 518.2010. (54 FR 8944, effective March 2, 1989)
- b) If the owner elects to rent, the rent supplement payment shall be determined by subtracting forty two times the economic rent



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

of the acquired site as determined by the Department from the lesser of:

- 1) The amount determined by the Department as necessary to rent a comparable site for **forty two months** (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988); or
- 2) Forty two times the monthly rent actually paid for a replacement site. (54 FR 8944, effective March 2, 1989)

- c) See Section 518.4060 for circumstances under which a replacement housing payment for the mobile home may be qualified. (54 FR 8944, effective March 2, 1989)

## Section 518.4090 Acquisition of Mobile Home Only - Owner-Occupant Rents Site

- a) If the owner purchases replacement housing, the replacement housing payment will be:

- 1) An amount determined in accordance with Section 518.2010;
- 2) Plus an amount determined by subtracting forty two times the rent being paid on the site acquired from the lesser of:

- A) The amount determined by the Department as necessary to rent a comparable mobile home site for a period of **forty two months** (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988); or
- B) The amount of rent the owner actually pays for the replacement site. (54 FR 8944, effective March 2, 1989)

- b) The owner may choose to purchase a comparable mobile home site as an alternative to renting a site. If so, the downpayment for the site shall be made in accordance with Section 518.2010. (54 FR 8944, effective March 2, 1989)

- c) If the owner elects to rent, the payment will be determined by subtracting forty two times the economic rent as determined by the Department of the mobile home and actual rent of the site from the lesser of:

- 1) The amount determined by the Department as necessary to

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PEREMPTORY RULES

rent a comparable mobile home and site for **forty two months** (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988); or

- 2) Forty two times the monthly rent actually paid for a replacement dwelling. (54 FR 8944, effective March 2, 1989)

Section 518.4095 Rent Supplement Payment To Tenants - Occupants of Mobile Homes For Ninety Days or More

A displaced tenant-occupant of a mobile home who has occupied the mobile home on the site from which displaced for at least ninety days and who is otherwise eligible under the applicable provisions of Subpart K is eligible for a replacement housing or rent supplement payment, **not to exceed \$5,250** (Section 3-107.1c of the Code, as amended by P.A. 85-1407, effective September 22, 1988), to be computed under Sections 518.2005 or 518.2010. (54 FR 8944, effective March 2, 1989)

## Section 518.4100 Claim Forms

The claim forms to be used for mobile home displacements are the same as for other classes of displacements except for moving expenses. For moving expenses use Form BRW 780, "Claim For Moving Expenses - Mobile Home". (54 FR 8944, effective March 2, 1989)

## SUBPART O: INCIDENTAL EXPENSES

Section 518.5000 Eligible Incidental Expenses on Transfer of Real Property to the State

- a) In addition to any other amounts authorized under this program, owners of real property are entitled to receive payments for the owner's **reasonable and necessary expenses incurred in transferring property** to the State under provisions of the Uniform Act. For administrative purposes only, these expenses are processed as relocation claims for payment, however, such costs, for accounting purposes, are coded as acquisition expenses. Such expenses may include the following: (Section 3-107.1d of the Code, as amended by P.A. 85-1407, effective September 22, 1988)

- 1) **Recording fees, transfer taxes, documentary stamps, evidence of title, boundary surveys, legal descriptions of the real property, and similar expenses incidental to conveying the real property** to the State, if such expenses are actually incurred, and if required in the



DEPARTMENT OF TRANSPORTATION  
NOTICE OF PEREMPTORY RULES

Judgement of the Department. However, the State is not required to pay costs required solely to perfect the owner's title to the real property; and (Section 3-107.1d of the Code, as amended by P.A. 85-1407, effective September 22, 1988)

- 2) The costs of obtaining partial or complete mortgage releases; and penalty costs and other charges for prepayment of any pre-existing recorded mortgages entered into good faith encumbering such real property. (Section 3-107.1d of the Code, as amended by P.A. 85-1407, effective September 22, 1988) (54 FR 8941, effective March 2, 1989)

- b) Upon receipt of a claim for an incidental transfer expense payment, prompt notice of the receipt and disposition of the claim will be mailed directly to the claimant. Form BRW 950, "Notice of Receipt of a Claim for a Relocation Payment", properly completed, will be used for this purpose. (54 FR 8941, effective March 2, 1989)

- c) Form BRW 967, "Claim for Payment - Incidental Expenses" should be submitted to claim reimbursement for incidental expenses. (54 FR 8941, effective March 2, 1989)

Section 518.Exhibit A Residential Moving Expense and Dislocation Allowance

PAYMENT SCHEDULE FOR ILLINOIS

OCCUPANT OWNS FURNITURE								(1) & (2)		OCCUPANT DOES NOT OWN FURNITURE (3)	
NUMBER OF ROOMS OF FURNITURE								EACH			
								ADD.		FIRST EACH ADD.	
								ROOM		ROOM ROOM	
1	2	3	4	5	6	7	8				
250	400	550	650	750	850	950	1050	100	225	35	

- (1) Person whose residential move is performed by agency, \$50.
- (2) Move of a mobile home from site, actual cost; reasonable amount may be added for packing and securing personal property for the move at agency discretion.
- (3) Occupant of dormitory, \$50. (54 FR 8952, effective March 2, 1989)

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF REFUSAL  
TO MEET THE OBJECTION OF THE JOINT COMMITTEE  
ON ADMINISTRATIVE RULES

- 1) The Heading of the Part: Reimbursement for Nursing Costs for Geriatric Facilities
- 2) Code Citation: 89 Ill. Adm. Code 147
- 3) Section Number: 147.205 Action: Refusal
- 4) Date Notice of Proposed Rules Published in the Register: October 28, 1988 (12 Ill. Reg. 17201)
- 5) Date JCAR Statement of Objection Published in the Register: April 21, 1989 (13 Ill. Reg. 5800)
- 6) Summary of Action Taken by the Agency:

The Joint Committee objected to this rulemaking on the basis that the policy contained in this rulemaking was implemented prior to adoption of this rulemaking. JCAR asserts that the Department has failed to follow proper procedures as outlined in the APA.

The Department respectfully dissents to JCAR's objection. The Department was ready and willing to adopt this rulemaking prior to January 1, 1989. However, several legislators and nursing home providers asked in late December, 1988, to meet with then-newly appointed Director Suter on this rulemaking. Rather than adopt the rules prior to such a meeting, the Director determined that she should first hear the group's concerns. The meeting was held on January 10; various objections and concerns with the rule were raised and discussed. Director Suter took these comments back to the Department for review and analysis. Adoption of the rulemaking was postponed until a full review of the policies contained in the rule could be completed. A decision to go forward with the policy and rulemaking was made only after a full review.

Given the nature of this rulemaking, e.g., ratesetting, it was possible to implement this policy retroactively to



## DEPARTMENT OF PUBLIC AID

NOTICE OF REFUSAL  
TO MEET THE OBJECTION OF THE JOINT COMMITTEE  
ON ADMINISTRATIVE RULES

January 1, even though the decision to implement was not made until later. Thus, while technically this policy was implemented (retroactively) prior to rulemaking, the delay in adopting the amended rules was a result of the Department's attempts to accommodate the concerns of the legislature and affected providers. While the Department is well aware of APA requirements, it is also aware of political realities; that is, often times policies are a result of last minute lobbying efforts by affected persons. The Department often finds itself caught between technical APA requirements and political pressures. The Department strives to accommodate both technical requirements and political influences, but, at times, one must prevail as against the other. This is one of those times. Respectfully, then, the Department must refuse to meet the Committee's objection.

## SECRETARY OF STATE

NOTICE OF REFUSAL TO MEET THE OBJECTION  
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) The Heading of the Part: Collection of Fees
- 2) Code Citation: 92 Ill. Adm. Code 1003
- 3) Section Number: 1003.40 Action: Refusal
- 4) Date Notice of Proposed Rules Published in the Register:  
December 2, 1988 - 12 Ill. Reg. 20019
- 5) Date JCAR Statement of Objection Published in the Register:  
March 17, 1989 - 13 Ill. Reg. 3454
- 6) Summary of Action Taken by the Agency:

The Secretary of State's Office, Department of Accounting Revenue, cannot modify or withdraw this amendatory rulemaking, because the rule states the long standing practice of the Department pursuant to the provisions of the International Registration Plan (IRP) (92 Ill. Adm. Code 1010 Appendix B), and there is authority pursuant to the rulemaking authority in Section 3-402.4 of the Illinois Vehicle Code, and a similar rule existed for the past 10 years at 92 Ill. Adm. Code 1000.120.

Participation in the IRP is authorized by Section 3-402.B(3)(a) of the Illinois Vehicle Code. Each member jurisdiction is required as per Section 3-402.2 to conduct audits of trucking companies. Section 3-402.4 of the IVC provides statutory authority for rules to administer the IRP. That statutory provision does not exclude authority to set fees necessary to administer the IRP. These audits are ongoing, and the fees must be collected if the Joint Committee has a policy of requiring agencies to have specific statutory authority to set any fee, then this is the first time this office is aware of that policy. It is recommended that such policies should be declared in writing to all the agencies to avoid such ad hoc objections as this one, or the Administrative Procedure Act should be amended to declare these policies.

This rulemaking is amendatory only. The Joint Committee made no objection when the original rulemaking was promulgated. The present language states the same principle, but not in as much detail.

This Office and its Department of Accounting Revenue thinks Section 3-402.4 provides the statutory authority for this rulemaking. That provision does not exclude authority to set reasonable fees. These fees are reasonable because they are based on the provisions of Section 2-124 of the Illinois Vehicle Code.



## STATE BOARD OF ELECTIONS

## NOTICE OF PUBLIC HEARING ON PROPOSED RULES

1) Heading of Part: Constitutional Amendments & Statewide Questions of Public Policy

2) Code Citation: 26 Ill. Adm. Code 208

3) Register citation to Notice of Proposed Rules:

13 Ill. Reg. 5317; April 21, 1989

4) Date, Time and Location of Public Hearing:

May 23, 1989 at 1:30 p.m.

State Board of Elections  
A. L. Zimmer, General Counsel

State of Illinois Center

Suite 14-100

Chicago, IL 60601

(312) 917-6440

5) Other Pertinent Information:

The Public Hearing information that appears in the Illinois Register, Volume 13, Issue No. 16 (April 21, 1989), has been changed due to scheduling conflicts. Therefore, there will be no Public Hearing on May 15, 1989 at the State of Illinois Center.

## STATE BOARD OF ELECTIONS

## NOTICE OF PUBLIC HEARING ON PROPOSED RULES

1) Heading of Part: Established Political Party and Independent Candidate Nominating Petitions

2) Code Citation: 26 Ill. Adm. Code 201

3) Register citation to Notice of Proposed Rules:

13 Ill. Reg. 5322; April 21, 1989

4) Date, Time and Location of Public Hearing:

May 23, 1989 at 1:30 p.m.

State Board of Elections  
A. L. Zimmer, General Counsel

State of Illinois Center

Suite 14-100

Chicago, IL 60601

(312) 917-6440

5) Other Pertinent Information:

The Public Hearing information that appears in the Illinois Register, Volume 13, Issue No. 16 (April 21, 1989), has been changed due to scheduling conflicts. Therefore, there will be no Public Hearing on May 15, 1989 at the State of Illinois Center.



## ILLINOIS REGISTER

## STATE BOARD OF ELECTIONS

## NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of Part: Miscellaneous
- 2) Code Citation: 26 Ill. Adm. Code 207
- 3) Register citation to Notice of Proposed Rules:  
13 Ill. Reg. 5327; April 21, 1989
- 4) Date, Time and Location of Public Hearing:  
May 23, 1989 at 1:30 p.m.  
State Board of Elections  
A. L. Zimmer, General Counsel  
State of Illinois Center  
Suite 14-100  
Chicago, IL 60601  
(312) 917-6440

## 5) Other Pertinent Information:

The Public Hearing information that appears in the Illinois Register, Volume 13, Issue No. 16 (April 21, 1989), has been changed due to scheduling conflicts. Therefore, there will be no Public Hearing on May 15, 1989 at the State of Illinois Center.

## ILLINOIS REGISTER

## STATE BOARD OF ELECTIONS

## NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of Part: New Political Party Nominating Petitions
- 2) Code Citation: 26 Ill. Adm. Code 202
- 3) Register citation to Notice of Proposed Rules:  
13 Ill. Reg. 5339; April 21, 1989
- 4) Date, Time and Location of Public Hearing:  
May 23, 1989 at 1:30 p.m.  
State Board of Elections  
A. L. Zimmer, General Counsel  
State of Illinois Center  
Suite 14-100  
Chicago, IL 60601  
(312) 917-6440

## 5) Other Pertinent Information:

The Public Hearing information that appears in the Illinois Register, Volume 13, Issue No. 16 (April 21, 1989), has been changed due to scheduling conflicts. Therefore, there will be no Public Hearing on May 15, 1989 at the State of Illinois Center.



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING

ROOM A-1

SPRINGFIELD, ILLINOIS

9:30 A.M.

MAY 9, 1989

NOTICE: It is the policy of the Joint Committee to allow only representatives of state agencies to testify orally on any rule under consideration at Joint Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee at the following address:

Joint Committee on Administrative Rules  
509 South Sixth Street  
Room 500

Springfield, Illinois 62701

AGENDA

I. Approval of April 5, 1989 Minutes

II. Review of Proposed Agency Rulemaking

Department on Aging

1. Community Care Program; 89 Ill. Adm. Code 240  
-First Notice Published: 12 Ill. Reg. 10821 - 7-1-88  
-Expiration of Second Notice Period: 5-22-89

Attorney General

2. Retail Advertising; 14 Ill. Adm. Code 470  
-First Notice Published: 12 Ill. Reg. 15239 - 9-30-88  
-Expiration of Second Notice Period: 6-8-89

Capital Development Board

3. Procurement Practices; 44 Ill. Adm. Code 910  
-First Notice Published: 13 Ill. Reg. 1917 - 2-17-89  
-Expiration of Second Notice Period: 5-22-89

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

Department of Central Management Services

4. Pay Plan; 80 Ill. Adm. Code 310  
-First Notice Published: 13 Ill. Reg. 1296 - 2-3-89  
-Expiration of Second Notice Period: 5-22-89

Department of Commerce and Community Affairs

5. Small Business Impact Analysis Procedures; 1 Ill. Adm. Code 300  
-First Notice Published: 12 Ill. Reg. 8511 - 5-20-88  
-Expiration of Second Notice Period: 6-12-89

Illinois Commerce Commission

6. Electric Utility Forecasting (G.O. 215); Repeal of; 83 Ill. Adm. Code 435  
-First Notice Published: 13 Ill. Reg. - 1-6-89  
-Expiration of Second Notice Period: 5-8-89

Department of Conservation

7. North Point Marina; 17 Ill. Adm. Code 220  
-First Notice Published: 13 Ill. Reg. 731 - 1-20-89  
-Expiration of Second Notice Period: 5-8-89
8. Sport Fishing Regulations for the Waters of Illinois; 17 Ill. Adm. Code 810  
-First Notice Published: 13 Ill. Reg. 1690 - 2-10-89  
-Expiration of Second Notice Period: 5-22-89

Department of Employment Security

9. Employment; 56 Ill. Adm. Code 2732  
-First Notice Published: 13 Ill. Reg. 1945 - 2-27-89  
-Expiration of Second Notice Period: 5-25-89

Environmental Protection Agency

10. Procedures for Collection of Air Pollution Site Fees; 35 Ill. Adm. Code 251  
-First Notice Published: 12 Ill. Reg. 19825 - 12-2-88  
-Expiration of Second Notice Period: 5-8-89



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

11. Procedures for Operation of the Hazardous Waste Fee System; 35 Ill. Adm. Code 855  
-First Notice Published: 12 Ill. Reg. 19834 - 12-2-88  
-Expiration of Second Notice Period: 5-30-89
12. Procedures for Collection of Permit and Inspection Fees; 35 Ill. Adm. Code 856  
-First Notice Published: 12 Ill. Reg. 21000 - 12-23-88  
-Expiration of Second Notice Period: 5-30-89

Illinois Housing Development Authority

13. Mortgage Credit Certificates; 47 Ill. Adm. Code 360  
-First Notice Published: 12 Ill. Reg. 19603 - 11-28-88  
-Expiration of Second Notice Period: 5-30-89

Department of Insurance

14. Minimum Standards for Individual and Group Medicare Supplement Insurance; 50 Ill. Adm. Code 2008  
-First Notice Published: 13 Ill. Reg. 251 - 1-13-89  
-Expiration of Second Notice Period: 5-22-89

State Board of Investment

15. State of Illinois Employees' Deferred Compensation Plan; 80 Ill. Adm. Code 2700  
-First Notice Published: 13 Ill. Reg. 253 - 1-13-89  
-Expiration of Second Notice Period: 6-22-89

Pollution Control Board

16. General Rules; 35 Ill. Adm. Code 101  
-First Notice Published: 12 Ill. Reg. 14822 - 9-23-88  
-Expiration of Second Notice Period: 5-8-89

17. General Rules, Repeal of; 35 Ill. Adm. Code 101  
-First Notice Published: 12 Ill. Reg. 14853 - 9-23-88  
-Expiration of Second Notice Period: 5-8-89

18. Hearings Pursuant to Specific Rules; 35 Ill. Adm. Code 106  
-First Notice Published: 12 Ill. Reg. 14865 - 9-23-88  
-Expiration of Second Notice Period: 5-8-89

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

19. Effluent Standards; 35 Ill. Adm. Code 304  
-First Notice Published: 12 Ill. Reg. 14509 - 9-16-88  
-Expiration of Second Notice Period: 5-12-89
20. Organic Material Emission Standards and Limitations; 35 Ill. Adm. Code 215  
-First Notice Published: 12 Ill. Reg. 15412 - 9-16-88  
-Expiration of Second Notice Period: 5-15-89
21. Definitions and General Provisions; 35 Ill. Adm. Code 211  
-First Notice Published: 12 Ill. Reg. 15294 - 9-30-88  
-Expiration of Second Notice Period: 5-22-89
22. Sanctions, Repeal of; 35 Ill. Adm. Code 107  
-First Notice Published: 12 Ill. Reg. 14933 - 9-23-88  
-Expiration of Second Notice Period: 5-30-89

Department of Professional Regulation

23. Medical Practice Act of 1987; 68 Ill. Adm. Code 1285  
-First Notice Published: 13 Ill. Reg. 274 - 1-13-89  
-Expiration of Second Notice Period: 5-30-89

Department of Public Aid

24. Medical Payment; 89 Ill. Adm. Code 140  
-First Notice Published: 12 Ill. Reg. 22329 - 12-30-88  
-Expiration of Second Notice Period: 5-11-89

25. General Assistance; 89 Ill. Adm. Code 114  
-First Notice Published: 13 Ill. Reg. 1959 - 2-17-89  
-Expiration of Second Notice Period: 5-19-89

26. Aid to the Aged, Blind or Disabled; 89 Ill. Adm. Code 113  
-First Notice Published: 12 Ill. Reg. 15475 - 9-30-88  
-Expiration of Second Notice Period: 5-22-89

27. Rights and Responsibilities; 89 Ill. Adm. Code 102  
-First Notice Published: 12 Ill. Reg. 17663 - 11-4-88  
-Expiration of Second Notice Period: 5-22-89

28. Aid to Families with Dependent Children; 89 Ill. Adm. Code 112  
-First Notice Published: 13 Ill. Reg. 2236 - 2-24-89  
-Expiration of Second Notice Period: 5-26-89



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

Department of Public Health

29. The Illinois Formulary for the Drug Product Selection Program; 77 Ill. Adm. Code 790  
-First Notice Published: 12 Ill. Reg. 20411 - 12-9-88  
-Expiration of Second Notice Period: 6-12-89
30. AIDS Confidentiality and Testing Code; 77 Ill. Adm. Code 697  
-First Notice Published: 12 Ill. Reg. 21043 - 12-23-88  
-Expiration of Second Notice Period: 5-11-89
31. Renal Diseases Program for Care and Treatment; 77 Ill. Adm. Code 700  
-First Notice Published: 12 Ill. Reg. 12777 - 8-5-88  
-Expiration of Second Notice Period: 5-11-89
32. Child Health Examination; 77 Ill. Adm. Code 665  
-First Notice Published: 12 Ill. Reg. 19884 - 12-2-88  
-Expiration of Second Notice Period: 5-25-89

Department of Rehabilitation Services

33. Grants and Contracts; 89 Ill. Adm. Code 525  
-First Notice Published: 12 Ill. Reg. 14117 - 9-9-88  
-Expiration of Second Notice Period: 6-8-89
34. Homemaker Contracts; 89 Ill. Adm. Code 712  
-First Notice Published: 12 Ill. Reg. 10377 - 6-17-88  
-Expiration of Second Notice Period: 5-11-89
35. Responsibility for Special Education; 89 Ill. Adm. Code 760  
-First Notice Published: 12 Ill. Reg. 20431 - 12-9-88  
Expiration of Second Notice Period: 5-30-89
36. Other Services; 89 Ill. Adm. Code 607  
-First Notice Published: 13 Ill. Reg. 56 - 1-6-89  
-Expiration of Second Notice Period: 5-30-89
37. Eligibility; 89 Ill. Adm. Code 552  
-First Notice Published: 13 Ill. Reg. 277 - 1-13-89  
-Expiration of Second Notice Period: 5-30-89
38. Similar Benefits; 89 Ill. Adm. Code 567  
-First Notice Published: 13 Ill. Reg. 281 - 1-13-89  
-Expiration of Second Notice Period: 5-30-89

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

Department of Revenue

39. Income Tax Regulations; 86 Ill. Adm. Code 100  
-First Notice Published: 13 Ill. Reg. 768 - 1-20-89  
-Expiration of Second Notice Period: 6-15-89
40. County Supplementary Retailers' Occupation Tax Regulations; 86 Ill. Adm. Code 600  
-First Notice Published: 13 Ill. Reg. 1448 - 2-3-89  
-Expiration of Second Notice Period: 5-19-89
41. County Supplementary Service Occupation Tax Regulations; 86 Ill. Adm. Code 610  
-First Notice Published: 13 Ill. Reg. 1460 - 2-3-89  
-Expiration of Second Notice Period: 5-19-89
42. County Supplementary Use Tax Regulations; 86 Ill. Adm. Code 620  
-First Notice Published: 13 Ill. Reg. 1468 - 2-3-89  
-Expiration of Second Notice Period: 5-19-89
43. County Water Commission Retailers' Occupation Tax Regulations; 86 Ill. Adm. Code 630  
-First Notice Published: 13 Ill. Reg. 1473 - 2-3-89  
-Expiration of Second Notice Period: 5-19-89
44. County Water Commission Service Occupation Tax Regulations; 86 Ill. Adm. Code 640  
-First Notice Published: 13 Ill. Reg. 1485 - 2-3-89  
-Expiration of Second Notice Period: 5-19-89
45. County Water Commission Use Tax Regulations; 86 Ill. Adm. Code 650  
-First Notice Published: 13 Ill. Reg. 1493 - 2-3-89  
-Expiration of Second Notice Period: 5-19-89
46. Automobile Renting Occupation Tax Regulations; 86 Ill. Adm. Code 180  
-First Notice Published: 12 Ill. Reg. 11056 - 7-1-88  
-Expiration of Second Notice Period: 5-30-89
47. Cigarette Tax Act; 86 Ill. Adm. Code 440  
-First Notice Published: 12 Ill. Reg. 11063 - 7-1-88  
-Expiration of Second Notice Period: 5-30-89



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

48. Cigarettes Use Tax Act; 86 Ill. Adm. Code 450  
-First Notice Published: 12 Ill. Reg. 11071 - 7-1-88  
-Expiration of Second Notice Period: 5-30-89
49. Hotel Operators' Occupation Tax Act; 86 Ill. Adm. Code 480  
-First Notice Published: 12 Ill. Reg. 11077 - 7-1-88  
-Expiration of Second Notice Period: 5-30-89
50. Service Occupation Tax Regulations; 86 Ill. Adm. Code 140  
-First Notice Published: 12 Ill. Reg. 11108 - 7-1-88  
-Expiration of Second Notice Period: 5-30-89
51. Service Use Tax Regulations; 86 Ill. Adm. Code 160  
-First Notice Published: 12 Ill. Reg. 11119 - 7-1-88  
-Expiration of Second Notice Period: 5-30-89

Office of the Commissioner of Savings and Loans

52. Illinois Savings and Loan Act of 1985; 38 Ill. Adm. Code 400  
-First Notice Published: 13 Ill. Reg. 1985 - 2-17-89  
-Expiration of Second Notice Period: 5-30-89

Department of Transportation

53. Financing the Installation and Maintenance of School Traffic Signals and Commercial-Industrial Traffic Signals on State Highways; 92 Ill. Adm. Code 545  
-First Notice Published: 13 Ill. Reg. 1111 - 1-27-89  
-Expiration of Second Notice Period: 6-12-89

54. Floodway Construction in Northeastern Illinois; 92 Ill. Adm. Code 708  
-First Notice Published: 13 Ill. Reg. 1503 - 2-3-89  
-Expiration of Second Notice Period: 5-18-89

Board of Trustees of the University of Illinois

55. Program Content and Guidelines for Division of Services for Crippled Children; 89 Ill. Adm. Code 1200  
-First Notice Published: 12 Ill. Reg. 20613 - 12-16-88  
-Expiration of Second Notice Period: 5-11-89

## III. Certification of No Objection to Proposed Rulemaking

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

- IV. Review of Emergency Rulemaking and Peremptory Rulemaking  
Department of Agriculture

56. Illinois Seed Law; 8 Ill. Adm. Code 230  
-Notice Published: 13 Ill. Reg. 4015 - 3-24-89

Department of Commerce and Community Affairs

57. Economic Dislocation and Worker Adjustment Assistance; 56 Ill. Adm. Code 2625  
-Notice Published: 13 Ill. Reg. 4019 - 3-24-89
58. Service Delivery System and State Responsibilities; 56 Ill. Adm. Code 2600  
-Notice Published: 13 Ill. Reg. 4028 - 3-24-89

Department of Public Aid

59. Aid to the Aged, Blind or Disabled; 89 Ill. Adm. Code 113  
-Notice Published: 13 Ill. Reg. 3402 - 3-17-89

Department of Public Health

60. The Illinois Formulary for the Drug Product Selection Program; 77 Ill. Adm. Code 790  
-Notice Published: 13 Ill. Reg. 3108 - 3-10-89

## V. Incorporation by Reference

- VI. Agency Responses to Joint Committee Statements of Objection

Department of Central Management Services

61. Pay Plan; 80 Ill. Adm. Code 310  
-First Published: 12 Ill. Reg. 20584  
-Objection Date: 1-9-89  
-Response: Failure to Respond

Department of Children and Family Services

62. Reports of Child Abuse and Neglect; 89 Ill. Adm. Code 300  
-First Published: 12 Ill. Reg. 11953 - 7-22-88  
-Objection Date: 12-15-88  
-Response: Refusal and Agreement



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

63. Services Delivered by the Department; 89 Ill. Adm. Code 302  
 -First Published: 12 Ill. Reg. 13814 - 9-2-88  
 -Objection Date: 12-15-88  
 -Response: Failure to Respond

Department of Conservation

64. Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping Regulations; 17 Ill. Adm. Code 570  
 -First Published: 12 Ill. Reg. 5087 - 3-18-88  
 -Objection Date: 6-14-88  
 -Response: Agreed to Modify Rulemaking

State Board of Education

65. Pupil Transportation Reimbursement; 23 Ill. Adm. Code 120  
 -First Published: 12 Ill. Reg. 19266 - 11-18-88  
 -Objection Date: 3-1-89  
 -Response: Refusal

Board of Ethics

66. Procedures of the Board of Ethics; 89 Ill. Adm. Code 2000  
 -First Published: 12 Ill. Reg. 12766 - 8-5-88  
 -Objection Date: 11-15-88  
 -Response:

Department of Public Aid

67. Medical Payment; 89 Ill. Adm. Code 140  
 -First Published: 12 Ill. Reg. 16421 - 10-14-88  
 -Objection Date: 1-9-89  
 -Response: Modification

Department of Public Health

68. Minimum Standards Classification and Licensure of Skilled Nursing Facilities and Intermediate Care Facilities; 77 Ill. Adm. Code 300  
 -First Published: 12 Ill. Reg. 18477 - 11-14-88  
 -Objection Date: 12-15-88  
 -Response: Failure to Respond

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

69. Long-Term Care for Under Age 22; 77 Ill. Adm. Code 390  
 -First Published: 12 Ill. Reg. 18243 - 11-14-88  
 -Objection Date: 12-15-88  
 -Response: Failure to Respond

70. Minimum Standards for Classification and Licensure of Sheltered Care Facilities; 77 Ill. Adm. Code 330  
 -First Published: 12 Ill. Reg. 18939 - 11-14-88  
 -Objection Date: 12-15-88  
 -Response: Failure to Respond

71. Minimum Standards for Classification and Licensure of Intermediate Care Facilities for the Developmentally Disabled; 77 Ill. Adm. Code 350  
 -First Published: 12 Ill. Reg. 18705 - 11-14-88  
 -Objection Date: 12-15-88  
 -Response: Failure to Respond

Department of Rehabilitation Services

72. Sex Equity; 89 Ill. Adm. Code 829  
 -First Published: 12 Ill. Reg. 5990 - 4-1-88  
 -Objection Date: 3-1-89  
 -Response: Agreement

Department of State Police

73. Certification and Training of Electronic Criminal Surveillance Officers; 20 Ill. Adm. Code 1295  
 -First Published: 12 Ill. Reg. 17064 - 10-21-88  
 -Objection Date: 1-9-89  
 -Response: Agreement



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 17, 1989 through April 21, 1989 and have been scheduled for review by the Committee at its June meeting. Other items not contained in this published list may also be considered by the Joint Committee at its June meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
6/1/89	Department of Insurance, Fees for Various Certificates Under Section 408; Repeal of (50 Ill. Adm. Code 2502)	2/24/89 13 Ill. Reg. 2234	June, 1989
6/1/89	Department of Employment Security, Alien Status (56 Ill. Adm. Code 2905)	2/24/89 13 Ill. Reg. 2229	June, 1989
6/5/89	Department of Conservation, Dove Hunting (17 Ill. Adm. Code 730)	3/3/89 13 Ill. Reg. 2609	June, 1989
6/5/89	Department of Conservation, Falconry and the Captive Propagation of Raptors (17 Ill. Adm. Code 1590)	3/3/89 13 Ill. Reg. 2622	June, 1989
6/5/89	Department of Conservation, Forest Fire Protection Districts Act (17 Ill. Adm. Code 1560)	3/3/89 13 Ill. Reg. 2626	June, 1989
6/5/89	Department of Conservation, Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping (17 Ill. Adm. Code 570)	3/3/89 13 Ill. Reg. 2632	June, 1989
6/5/89	Department of Conservation, Squirrel Hunting (17 Ill. Adm. Code 690)	3/3/89 13 Ill. Reg. 2641	June, 1989

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED  
(page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
6/5/89	Department of Employment Security, Determination of Unemployment Contributions (56 Ill. Adm. Code 2770)	1/20/89 13 Ill. Reg. 743	June, 1989
6/5/89	Department of Professional Regulation, Medical Disciplinary Board, Repeal of (68 Ill. Adm. Code 1290)	10/7/88 12 Ill. Reg. 15854	June, 1989
6/5/89	Department of Professional Regulation, Medical Practice Act of 1987 (68 Ill. Adm. Code 1285)	10/7/88 12 Ill. Reg. 15880	June, 1989
6/5/89	Department of Commerce and Community Affairs, State Administration of the Federal Low-Income Home Energy Assistance Block Grant Program (47 Ill. Adm. Code 100)	6/3/88 12 Ill. Reg. 9287	June, 1989
6/5/89	Secretary of State, Issuance of Licenses (92 Ill. Adm. Code 1030)	2/24/89 13 Ill. Reg. 2395	June, 1989
6/5/89	Secretary of State, Issuance of Licenses (92 Ill. Adm. Code 1030)	3/3/89 13 Ill. Reg. 2753	June, 1989



## ILLINOIS REGISTER

PROCLAMATION  
89-159

## Food And Beverage Packaging Week (Revised)

WHEREAS, Illinois is one of the strongest markets in the midwestern food belt; and

WHEREAS, Pack Alimentaire '89, the third annual Food & Beverage Packaging Exposition and Conference, will be held June 13-15 at McCormick Place North in Chicago; and

WHEREAS, more than 200 exhibitors are expected to display current packaging innovations designed specifically for food and beverage products; and

WHEREAS, Pack Alimentaire '89 will provide an opportunity for more than 8,000 food and beverage decision makers to thoroughly examine new packaging materials and machinery directly related to their industry. A 20 session comprehensive conference program also will be introduced, involving 80 or more presentations by leading industry experts; and

WHEREAS, the exposition is being sponsored by the Association of Industrial Metallizers, Coaters & Laminators, the American Butter Institute, the Council on Plastics & Packaging in the Environment, the Flexible Packaging Association, Foodservice and Packing Institute, the National Cheese Institute, International Dairy-Deli Association, International Microwave Power Institute, the Package Design Council, the Packaging Coalition for Solid Waste Management, the Packaging Institute International, the Produce Marketing Association, the Refrigeration Research Foundation, Tag and Label Manufacturer's Institute, and the United Fresh Fruit and Vegetable Association;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim June 11-16, 1989, as FOOD AND BEVERAGE PACKAGING WEEK in Illinois.

Issued April 10, 1989. Filed April 24, 1989.

## ILLINOIS REGISTER

PROCLAMATION  
89-176

## Music In Our Schools Month

WHEREAS, Music In Our Schools Month is designed to bring about a more genuine recognition of the vital place of music in the educational process; and

WHEREAS, music is a powerful aesthetic force that dignifies the realm of feeling by merging intellect and emotion in the search for a humane way of life; and

WHEREAS, it is fitting for the State of Illinois to recognize music in our schools as an essential part of the learning process and to encourage and support this significant art that, as it moves more deeply into the core of education, becomes a powerful single channel to the innermost feelings and responses of every child;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim March 1989 as MUSIC IN OUR SCHOOLS MONTH in Illinois.

Issued March 17, 1989. Filed April 24, 1989.



ILLINOIS REGISTER

7169  
89

PROCLAMATION

89-177

Centenarians Day

WHEREAS, the function and purpose of the American Centenarian committee is to seek public recognition of persons 100 years of age and older; and

WHEREAS, centenarians have a vast wealth of treasured experiences for us to learn about to make our lives as rich and rewarding as theirs have been; and

WHEREAS, the people of Illinois welcome the opportunity to tell senior citizens of our admiration for them and our appreciation for their countless contributions to the betterment of our world;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 20, 1989, as CENTENARIANS DAY in Illinois, honoring America's centenarians and extending my personal congratulations and best wishes to those centenarians being honored on that date.

Issued April 14, 1989. Filed April 24, 1989.

ILLINOIS REGISTER

7170  
89

PROCLAMATION

89-178

Student Council Leadership Week

WHEREAS, today's students want and deserve an appropriate voice in the educational systems of which they are an integral part; and

WHEREAS, student council organizations offer young people early and vital experience in exercising a voice in matters of common concern, reconciling diverse interests, and selecting leaders to express representative views; and

WHEREAS, students who learn to be leaders while still in school are better prepared for their future responsibilities as leaders of our communities, states, and nations; and

WHEREAS, the Illinois Association of Junior High Student Councils will hold its annual convention April 28-29, 1989, at Peoria, and more than 700 junior high students and 150 advisors are expected to attend; and

WHEREAS, the convention serves as a learning experience for students who have the opportunity to become familiar with the democratic process of governing and elections. They also share ideas, meet new people, and make new friends;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 23-29, 1989, as STUDENT COUNCIL LEADERSHIP WEEK in Illinois in conjunction with the state convention.

Issued April 14, 1989. Filed April 24, 1989.



ILLINOIS REGISTER

7173  
89

PROCLAMATION  
89-179

Teacher Appreciation Week

ILLINOIS REGISTER

7172  
89

PROCLAMATION  
89-180

The Year Of Recognition For The Institute Of Business Designers

WHEREAS, Illinois teachers have provided dedicated service to their students and a strong commitment to the teaching profession; and

WHEREAS, citizens and youths alike have benefited greatly from the personal contributions of these teachers; and

WHEREAS, teachers at every grade level face unique challenges in their profession and should be commended for the exemplary fulfillment of their responsibilities;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 7-13, 1989, as TEACHER APPRECIATION WEEK in Illinois, recognizing the efforts of our children's educators.

WHEREAS, this year marks the 20th anniversary of the Institute of Business Designers (IBD); and

WHEREAS, with national headquarters in Illinois, the design profession has been an integral part of the state's new business growth; and

WHEREAS, the industry has flourished in Illinois and so has IBD; and

WHEREAS, IBD serves its membership in 30 chapters across the country and promotes ethical design standards that guard and protect public safety and welfare; and

WHEREAS, the State of Illinois appreciates professional contract interior designers and individuals who are collaterally involved in the field of contract design for their major contributions to the design environment;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim 1989 as THE YEAR OF RECOGNITION FOR THE INSTITUTE OF BUSINESS DESIGNERS.



ILLINOIS REGISTER

7173  
89

PROCLAMATION  
89-181

Just Say No Day

ILLINOIS REGISTER

7174  
89

PROCLAMATION  
89-182

Moscow-Chicago Theatre Exchange Week

WHEREAS, "Just Say No" is a federal government substance abuse prevention initiative; and

WHEREAS, across the country, young people and adults have joined together to launch "Just Say No" projects and clubs; and

WHEREAS, the campaign is based on the premise that learning how to say "no" to drugs and alcohol, as well as negative peer pressure to use chemicals, may be the most powerful weapon society has in dealing with the substance abuse problem; and

WHEREAS, the National Institute on Drug Abuse estimates that five million children from every sector of our society will participate in various functions;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 15, 1989, as "JUST SAY NO" DAY in Illinois, in conjunction with our nation's campaign which involves rallies, marches, and other special events to bring public attention to the problem of drug abuse.

Issued April 17, 1989. Filed April 24, 1989.

WHEREAS, in December 1988 the League of Chicago Theatres signed a three-year protocol of agreement with the Union of Theatre Workers of the Russian Republic, which calls for a series of exchanges between theatres in Chicago and those in Moscow and Leningrad; and

WHEREAS, this exchange will lead to long-term relationships among theatre companies from all three cities; and

WHEREAS, a second agreement signed in March 1989 calls for our establishing an office in Moscow to facilitate this exchange program; and

WHEREAS, this program will also serve as a valuable resource for businesses interested in trade with the Soviet Union; and

WHEREAS, we have built a network of contacts with the major cultural institutions in the Soviet Union;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim the week of April 24-30, 1989, as MOSCOW-CHICAGO THEATRE EXCHANGE WEEK in Illinois.

Issued April 17, 1989. Filed April 24, 1989.



PROCLAMATION  
89-183

Nursing Home Week

WHEREAS, the long-term care facilities in Illinois are dedicated to providing the very finest in health care for our convalescent, aged, and chronically ill citizens; and

WHEREAS, this dedication has been forcefully demonstrated through continual striving to upgrade standards of care and improve service; and

WHEREAS, long-term care facilities are a vital segment of the total health care delivery system in our state; and

WHEREAS, member facilities of the Illinois Health Care Association and the Association itself are sponsoring many activities in observance of National Nursing Home Week beginning May 8th;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 14-20, 1989, as NURSING HOME WEEK in Illinois, and I express the appreciation of all our citizens for the high standard of care that long-term facilities are providing in Illinois.

Issued April 17, 1989. Filed April 24, 1989.

PROCLAMATION  
89-184

Enterostomal Therapy Nurses Day

WHEREAS, Enterostomal Therapy Nursing is a very important specialty within the registered nursing profession; and

WHEREAS, Enterostomal Therapy Nurses provide service beyond the call of need; and

WHEREAS, Enterostomal Therapy Nurses provide personal patient care in many complex medical situations; and

WHEREAS, there are 2,000 active members in the International Association Enterostomal Therapy (IAET), which represents the Enterostomal Nurses in the United States;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 19, 1989, as ENTEROSTOMAL THERAPY NURSES DAY in Illinois, in recognition of their exemplary service to the people of this state.

Issued April 18, 1989. Filed April 24, 1989.



ILLINOIS REGISTER

7177  
89

PROCLAMATION  
89-185  
Nurses' Week

WHEREAS, nurses have a positive impact on people's lives every day by nature of their keen judgement, compassion, and clinical expertise; and

WHEREAS, nurses are the largest group of health care providers in this country; and

WHEREAS, the demand for nursing services is escalating in light of changes in the financing of health care services, the settings where services are delivered, and the health care needs of a graying America; and

WHEREAS, the supply of nurses is not keeping pace with the demand and there is an urgent need not only to recruit well-qualified candidates into the profession, but to retain nurses in active practice; and

WHEREAS, more qualified nurses will be needed in the future to meet the increasingly complex health care needs of the citizens of Illinois; and

WHEREAS, the American Nurses Association and the Illinois Nurses Association have declared May 6 as National Nurses' Day 1989;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 1-6, 1989, as NURSES' WEEK in Illinois in recognition of this state's 114,000 Registered Nurses.

Issued April 19, 1989. Filed April 26, 1989.

ILLINOIS REGISTER

7178  
89

PROCLAMATION  
89-186  
Bird Appreciation Week

"Nothing wholly admirable ever happens in this country except the migration of birds."

Brooks Atkinson, Once Around the Sun, 1951

WHEREAS, during the spring millions of birds fly over Illinois on their way to northern nesting grounds; and

WHEREAS, more than 100 different species will fly overhead or stop briefly to feed during their migration, allowing birdwatchers to spot varieties seldom seen in Illinois; and

WHEREAS, these colorful visitors are not only attractive but also an integral part of our thriving natural heritage; and

WHEREAS, their brief sojourn in our state ensures the completion of vital natural cycles each year;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 23-29, 1989, as BIRD APPRECIATION WEEK in Illinois, and I encourage all citizens to take this opportunity to observe the portion of this magnificent natural phenomenon that takes place in Illinois.

Issued April 20, 1989. Filed April 25, 1989.



## PROCLAMATION

89-187

Stamp Collecting Week

## PROCLAMATION

89-188

Stephen A. Forbes Biological Station Day

WHEREAS, philatelists and others interested in stamp collecting have gathered for the past 31 years for COMPEX (Combined Philatelic Exhibition of Chicagoland), where hundreds of frames of rare and unusual stamps are displayed; and

WHEREAS, COMPEX is the largest club-sponsored show in the United States, presenting the widest range of exhibits by children and adults alike; and

WHEREAS, the popular hobby of stamp collecting is not only pleasurable but educational as well, bringing fascinating remnants of the past and also expressions of our lives and times today; and

WHEREAS, the theme of the Compex show this year will be "The 50th Anniversary of the Baseball Hall of Fame," bearing relevance to all Americans;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 22-28, 1989, as STAMP COLLECTING WEEK in Illinois, welcoming all visitors and exhibitors to our state and wishing them a rewarding and enjoyable visit.

Issued April 20, 1989. Filed April 24, 1989.

WHEREAS, on April 1, 1894, Dr. Stephen A. Forbes, the first Chief of the Illinois Natural History Survey, a division of the Illinois Department of Energy and Natural Resources, established near Havana, Illinois, the first inland aquatic biological station in the world to undertake the serious study of the biology of a river system; and

WHEREAS, the Illinois Natural History Survey received the first Special Use Permit issued by the Bureau of Biological Survey (presently the U.S. Fish and Wildlife Service) on May 24, 1939, for the construction of facilities for and the use of lands by the biological station in the Chautauqua National Wildlife Refuge near Havana; and

WHEREAS, a building to house laboratory and office facilities for the biological station was completed at the Refuge in 1940. This biological station has attracted national and international recognition for its aquatic and wildlife research; and

WHEREAS, additional laboratory and office space, funded by the National Science Foundation and the State of Illinois Capital Development Board, were completed in 1988 to meet increasing demands on the field station; and

WHEREAS, the expanded facility has been named the Stephen A. Forbes Biological Station and dedicated as such to honor Dr. Forbes' vision and foresight in establishing the station;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 5, 1989, as STEPHEN A. FORBES BIOLOGICAL STATION DAY in Illinois, in recognition of the station's historical role over the past 95 years and its continued importance in biological research and the management of fisheries and wildlife resources in this state.

Issued April 20, 1989. Filed April 24, 1989.



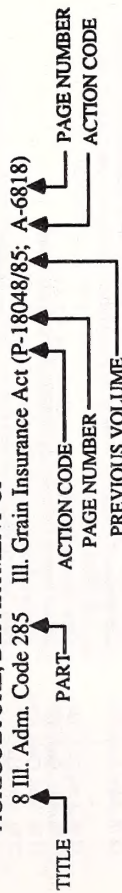
## ICAR - Joint Committee on Administrative Rules

## ACTION CODES

A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Ordered by ICAR
C - Notice of Corrections	PP - Peremptory or Court ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet ICAR objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet ICAR objections	S - Suspension ordered by ICAR
O - ICAR Statement of Objections	W - Withdrawal to meet ICAR objections

## EXAMPLE:

## AGRICULTURE, DEPARTMENT OF



ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

## AGING, DEPARTMENT ON

- 89 Ill. Adm. Code 240 Community Care Program (P-685)  
89 Ill. Adm. Code 230 Older Americans Act Programs (P-14777/88; A-2015) (P-12137/88; A-3054)

## AGRICULTURE, DEPARTMENT OF

- 8 Ill. Adm. Code 255 Agricultural Facilities (P-2571)  
8 Ill. Adm. Code 110 Animal Diagnostic Laboratory Act (P-19153/88; A-3617)  
8 Ill. Adm. Code 25 Animal Welfare Act (P-19164/88; A-3628)  
8 Ill. Adm. Code 75 Bovine Brucellosis (P-19172/88; A-3636)  
8 Ill. Adm. Code 20 Definitions (P-19178/88; W-2166)  
8 Ill. Adm. Code 85 Diseased Animals (P-19185/88; A-3642)  
8 Ill. Adm. Code 700 Farmland Preservation Act (P-14786/88; A-285) (P-2598) (P-17139/88; A-3653)  
68 Ill. Adm. Code 600 Grain Dealers (P-19795/88; A-3665)  
8 Ill. Adm. Code 80 III. Bovine Tuberculosis Eradication Act (P-19196/88; A-3676)  
8 Ill. Adm. Code 90 III. Dead Animal Disposal Act (P-19201/88; A-3681)  
8 Ill. Adm. Code 115 III. Pseudorabies Control Act (P-19218/88; A-3685)  
8 Ill. Adm. Code 230 III. Seed Law (P-3511) (E-4015)  
68 Ill. Adm. Code 610 Livestock Dealer Licensing (P-19205/88; A-3690)  
8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (PP-228) (PP-2160) (P-19211/88; A-3696)  
2 Ill. Adm. Code 700 Organizational Chart, Description, Rulemaking Procedure, & Programs (A-5066)  
8 Ill. Adm. Code 505 Public Grain Warehouse & Warehouse Receipts Act (P-19806/88; A-3703)  
8 Ill. Adm. Code 105 Swine Disease Control & Eradication Act (P-20309/88; A-3715)

## BANKS AND TRUST COMPANIES, COMMISSIONER OF

- 38 Ill. Adm. Code 303 Use of a State Bank's Corporate Name in Identification & Communication (P-2889)

## CAPITAL DEVELOPMENT BOARD

- 44 Ill. Adm. Code 910 Procurement Practices (P-1917)  
71 Ill. Adm. Code 40 Standards for Award of Grants Elementary & Secondary Schools Capital Assistance Program (P-1283; A-6973)

## CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

- 89 Ill. Adm. Code 1300 Day Care (P-19223/88; A-4644)  
80 Ill. Adm. Code 302 Merit & Fitness (P-15813/88; A-3722)  
80 Ill. Adm. Code 310 Pay Plan (P-20584/88; RC-1254) (P-1296) (P-2892)  
80 Ill. Adm. Code 2150 Service-Connected Days Benefit Administration (P-10285/88; A-2402) (P-6853)  
80 Ill. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (P-6871/88; O-1256; R-3411; A-3330)  
80 Ill. Adm. Code 2110 State of Ill. Dependent Care Assistance Plan (P-1) (E-214)  
44 Ill. Adm. Code 5040 State Vehicles & Garage (P-4071)

## CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

- 89 Ill. Adm. Code 334 Administration & Funding of Community-Based Services to Youth (P-11915/88; A-6986)  
89 Ill. Adm. Code 385 Background Checks (P-13744/88; A-5917)  
89 Ill. Adm. Code 431 Confidentiality of Personal Information of Persons Served by the Department (P-11922/88; O-22457/88; R-2532; A-2407)  
89 Ill. Adm. Code 310 Delivery of Youth Services Funded by the Department of Children & Family Services (P-11935/88; O-3412; RC-3414)  
89 Ill. Adm. Code 437 Department of Children & Family Services Employee Conflict of Interest (P-13752/88; A-3339)  
89 Ill. Adm. Code 357 Purchase of Service (P-13807/88; A-3344)  
89 Ill. Adm. Code 300 Reports of Child Abuse & Neglect (P-11953/88; O-22472/88; R-2535; A-2419)  
89 Ill. Adm. Code 432 Research Involving Children & Families (P-5225)

## CIVIL SERVICE SYSTEM, STATE UNIVERSITIES

- 80 Ill. Adm. Code 250 State Universities Civil Service System (P-1921)

## COLLEGES AND UNIVERSITIES, BOARD OF GOVERNORS OF STATE

- 44 Ill. Adm. Code 530 Joint Rules of the Board of Regents, the Board of Governors of State Colleges & Universities, the Board of Trustees of the University of Ill., & the Board of Trustees of Southern Ill. University: Procurement & Bidding (P-2648)  
Public Information, Rulemaking & Organization (AR-3742) (A-3747)

## 2 Ill. Adm. Code 5025

## COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

- 14 Ill. Adm. Code 630 Corridors of Opportunity Program (P-4987/88; A-4164)  
56 Ill. Adm. Code 2625 Economic Dislocation & Worker Adjustment Assistance (P-3513) (E-4019)  
47 Ill. Adm. Code 160 Emergency Shelter Grants Program (P-9271/88; A-2024)  
14 Ill. Adm. Code 520 Enterprise Zone Program (P-4985)  
14 Ill. Adm. Code 590 III. Large Business Development Program (P-15249/88; A-2028)  
14 Ill. Adm. Code 570 III. Small Business Development Program (P-20714/87; A-58)  
56 Ill. Adm. Code 620 Labor-Management Program (P-14797/88; A-1758)  
56 Ill. Adm. Code 2600 Service Delivery System & State Responsibilities (P-3515) (E-4028) (P-4331)  
47 Ill. Adm. Code 1 Standard Grant Administrative Requirements (P-5002)  
47 Ill. Adm. Code 120 State Administration of the Federal Community Services Block Grant Program (P-8521/88; A-779) (P-1311) (P-4075)  
47 Ill. Adm. Code 100 State Administration of the Federal Low-Income Home Energy Assistance Block Grant Program (P-1930) (P-4358)  
56 Ill. Adm. Code 2610 Training Services for the Disadvantaged (P-4366) (P-5017)

## COMMERCE COMMISSION, ILLINOIS

- 83 Ill. Adm. Code 325 Charitable Contributions (PR-18021/88; AR-4648)



# ILLINOIS REGISTER

1989 CUMULATIVE INDEX

MAY 5, 1989

VOL. 13, ISSUE #18

## COMMERCE COMMISSION, ILLINOIS (CONT'D)

- 83 Ill. Adm. Code 215 Designation of Agent (P-18026/88; A-4650)
- 83 Ill. Adm. Code 435 Electric Utility Forecasting (G.O.215) (PR-3)
- 83 Ill. Adm. Code 281 Energy Assistance (P-1647)
- 92 Ill. Adm. Code 1205 Fees & Taxes (P-1665)
- 92 Ill. Adm. Code 1206 Investigation & Suspension of Rates (P-1671)
- 83 Ill. Adm. Code 440 Least-Cost Planning for Electric Utilities (P-3162/88; A-296)
- 92 Ill. Adm. Code 1304 Motor Carrier of Property Fitness Standards (P-13381/89; A-4654)
- 92 Ill. Adm. Code 1235 Practice Before the Independent Review Board (P-17045/88; A-4658)
- 92 Ill. Adm. Code 1225 Publication, Posting & Filing of Tariffs, Contracts, Schedules & Related Documents (P-1676)
- 92 Ill. Adm. Code 1710 Relocation Towing (P-10)
- 83 Ill. Adm. Code 595 Reports of Accidents or Incidents by Persons Engaged in the Transportation of Gas, or Who Own or Operate Gas Pipeline Facilities (P-16309/88; A-2036)
- 83 Ill. Adm. Code 285 Standard Filing Requirements for Electric, Gas, Telephone, Water & Sewer Utilities in Filing for an Increase in Rates (G.O. 210) (P-5229)
- 83 Ill. Adm. Code 505 Uniform System of Accounts for Gas Utilities (P-1686)

## COMMUNITY COLLEGE BOARD, ILLINOIS

- 23 Ill. Adm. Code 1501 Administration of the Ill. Public Community College Act (P-16313/88; A-1182) (P-3517) (P-4087) (P-4594)

## COMPTROLLER

- 74 Ill. Adm. Code 280 Public Radio & Television Station Grants (P-19259/88; A-4664) (P-5314)

## CONSERVATION, DEPARTMENT OF

- 17 Ill. Adm. Code 870 Aquaculture, Transportation, Stocking, Importation &/or Possession of Aquatic Life (P-3213)
- 17 Ill. Adm. Code 530 Cock Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit & Crow Hunting (P-4399)
- 17 Ill. Adm. Code 2030 Designation of Restricted Waters in the State of Ill. (P-13820/88; A-20472/88; CC-967) (E-2878) (P-4417)
- 17 Ill. Adm. Code 730 Dove Hunting (P-2609)
- 17 Ill. Adm. Code 590 Duck, Goose & Coot Hunting (P-3221) (E-22244/88; O-3462)
- 17 Ill. Adm. Code 1590 Falconry & the Captive Propagation of Raptors (P-2622)
- 17 Ill. Adm. Code 930 Field Trials on Non-Department Owned or Managed Lands (P-3262)
- 17 Ill. Adm. Code 870 Fish Stocking, Importation, &/or Possession of Aquatic Life (PR-3264)
- 17 Ill. Adm. Code 1560 Forest Fire Protection Districts Act (P-2626)
- 17 Ill. Adm. Code 510 General Hunting & Trapping on Department-Owned or -Managed Sites (P-3268)
- 17 Ill. Adm. Code 1010 Ill. List of Endangered & Threatened Fauna (P-20325/88; A-4179)
- 17 Ill. Adm. Code 1050 Ill. List of Endangered & Threatened Flora (P-20335/88; A-3755)
- 17 Ill. Adm. Code 570 Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver & Woodchuck (Groundhog) Trapping (P-2632) (P-5087/88; A-1203/88; O-3468)
- 17 Ill. Adm. Code 220 North Point Marina (P-731)
- 17 Ill. Adm. Code 230 North Point Marina Vendors (P-4430)
- 17 Ill. Adm. Code 110 Public Use of State Parks & Other Properties of the Department of Conservation (P-20363/88; A-3785)
- 17 Ill. Adm. Code 550 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote & Woodchuck (Groundhog) Hunting (P-3273)
- 17 Ill. Adm. Code 810 Sport Fishing Regs. for the Waters of Ill. (P-1690)
- 17 Ill. Adm. Code 690 Squirrel Hunting (P-2641)
- 17 Ill. Adm. Code 720 Taking of Wild Turkeys - Fall Archery Season, The (P-4435)
- 17 Ill. Adm. Code 710 Taking of Wild Turkeys - Spring Season, The (P-20993/88; A-5090; O-5796)
- 17 Ill. Adm. Code 670 White-Tailed Deer Hunting by Use of Bow & Arrow (P-5052)
- 17 Ill. Adm. Code 650 White-Tailed Deer Hunting by Use of Firearms (P-4442)
- 17 Ill. Adm. Code 740 Woodcock, Snipe, Rail & Teal Hunting (P-4458)

CI - 3

# ILLINOIS REGISTER

1989 CUMULATIVE INDEX

VOL. 13, ISSUE #18

MAY 5, 1989

## CORRECTIONS, DEPARTMENT OF

- 2 Ill. Adm. Code 850 Public Information, Rulemaking & Organization (A-1510)
- 20 Ill. Adm. Code 107 Records of Committed Persons (P-979; A-6992)
- 20 Ill. Adm. Code 502 Safety, Maintenance & Sanitation (P-3528)

## CRIMINAL JUSTICE INFORMATION AUTHORITY, ILLINOIS

- 20 Ill. Adm. Code 1520 Operating Procedures for the Administration of Federal Funds (P-1317; A-5926) (E-1605)

## EDUCATION, STATE BOARD OF

- 23 Ill. Adm. Code 500 Educational Service Centers (P-1730)
- 23 Ill. Adm. Code 227 Gifted Education (P-4097)
- 23 Ill. Adm. Code 275 Pupil Transportation (P-12745/88; A-1532)
- 23 Ill. Adm. Code 120 Pupil Transportation Reimbursement (P-19266/88; O-3416)
- 23 Ill. Adm. Code 230 Summer School for Gifted & Remedial Education (P-12747/88; A-1535)

## EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS

- 23 Ill. Adm. Code 2310 Functions & Planning Program (P-1319)

## ELECTIONS, STATE BOARD OF

- 26 Ill. Adm. Code 208 Constitutional Amendments & Statewide Questions of Public Policy (P-5317)
- 26 Ill. Adm. Code 201 Established Political Party & Independent Candidate Nominating Petitions (P-5322)
- 26 Ill. Adm. Code 207 Miscellaneous (P-5327)
- 26 Ill. Adm. Code 202 New Political Party Nominating Petitions (P-5339)

## EMERGENCY SERVICES AND DISASTER AGENCY

- 29 Ill. Adm. Code 430 Emergency & Written Notification of an Incident or Accident Involving a Reportable Hazardous Substance (P-17575/88; A-2040)
- 29 Ill. Adm. Code 430 Telephone Notification of Hazardous Incidents (PR-17585/88; AR-2049)

## EMPLOYMENT SECURITY, DEPARTMENT OF

- 56 Ill. Adm. Code 2725 Administrative Hearings & Appeals (P-5344)
- 56 Ill. Adm. Code 2905 Alien Status (P-2229)
- 56 Ill. Adm. Code 2720 Claims, Adjudication, Appeals & Hearings (P-5362)
- 56 Ill. Adm. Code 2770 Determination of Unemployment Contributions (P-743)
- 56 Ill. Adm. Code 2920 Disqualifying Income & Reduced Benefits (P-17592/88; A-1773) (P-22295/88; A-5936)
- 56 Ill. Adm. Code 2732 Employment (P-1945)
- 56 Ill. Adm. Code 2712 General Applications (P-15257/88; O-22482/88; R-965; A-795)
- 56 Ill. Adm. Code 2960 General Provisions (P-17; A-5940)
- 56 Ill. Adm. Code 2765 Payment of Unemployment Contributions, Interest & Penalties (P-752) (P-5375)

## ENVIRONMENTAL PROTECTION AGENCY

- 35 Ill. Adm. Code 378 Effluent Disinfection Exemptions (P-12753/88; A-1190)
- 35 Ill. Adm. Code 661 General Conditions of Grants for the Financing & Construction of Public Water Supply Facilities (P-1738)
- 35 Ill. Adm. Code 251 Procedures for Collection of Air Pollution Site Fees (E-955)
- 35 Ill. Adm. Code 365 Procedures for Issuing Loans from the Water Pollution Control Revolving Fund (P-18030/88; RC-5798)
- 35 Ill. Adm. Code 858 Procedures for Operation of the Non-Hazardous Solid Waste Fee System (A-5945)

## EXPERIMENTAL ORGAN TRANSPLANTATION PROCEDURES BOARD

- 77 Ill. Adm. Code 2800 Transplantation Program (P-6856)

## FARM DEVELOPMENT AUTHORITY, ILLINOIS

- 8 Ill. Adm. Code 1400 Ill. Farm Development Authority (P-5545/88; A-2440)

## FINANCIAL INSTITUTIONS, DEPARTMENT OF

- 38 Ill. Adm. Code 190 Ill. Credit Union Act (P-14097/88; O-22489/88; R-966; A-3793) (P-4107)

CI - 4



# ILLINOIS REGISTER

1989 CUMULATIVE INDEX

VOL. 13, ISSUE #18

MAY 5, 1989

## FIRE MARSHAL, OFFICE OF THE STATE

- 41 Ill. Adm. Code 100 Fire Prevention & Safety (E-582) (P-1323)
- 41 Ill. Adm. Code 180 Storage, Transportation, Sale & Use of Gasoline & Volatile Oils (P-1754) (E-1875; O-5807)
- 41 Ill. Adm. Code 170 Storage, Transportation, Sale & Use of Petroleum & Other Regulated Substances (P-1756) (E-1886) (A-5669)

## HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS

- 77 Ill. Adm. Code 2510 Data Collection (P-13694/88; A-334)

## HOUSING DEVELOPMENT AUTHORITY, ILLINOIS

- 47 Ill. Adm. Code 350 Low Income Housing Tax Credit Allocation (P-15265/88; A-5947)

## ILLINOIS, BOARD OF TRUSTEES OF THE UNIVERSITY OF

- 44 Ill. Adm. Code 535 Joint Rules of the Board of Regents, the Board of Governors of State Colleges & Universities, the Board of Trustees of the University of Ill., & the Board of Trustees of Southern Ill. University: Procurement & Bidding (P-2766)

## INSURANCE, DEPARTMENT OF

- 50 Ill. Adm. Code 301 Accumulation of Guaranty Fund or Guaranty Capital-Reporting & Accounting of Such Indebtedness (P-2901)
- 50 Ill. Adm. Code 401 Accumulation of Guaranty Fund or Guaranty Capital-Reporting & Accounting of Such Indebtedness (P-2905)
- 50 Ill. Adm. Code 6302 Definition of Salary (P-15269/88; A-3801)
- 50 Ill. Adm. Code 2502 Fees for Various Certificates Under Section 408 (PR-2234)
- 50 Ill. Adm. Code 601 Foreign & Alien Insurer Annual Audited Financial Reports (P-11985/88; A-2051)
- 50 Ill. Adm. Code 919 Improper Claims Practice (P-13535/88; C-17456/88; A-1204)
- 50 Ill. Adm. Code 2008 Minimum Standards for Individual & Group Medicare Supplement Insurance (P-251) (E-586; O-3471)
- 50 Ill. Adm. Code 6701 Notice of Eligibility (P-17617/88; A-5951)
- 50 Ill. Adm. Code 6301 Pension & Examination Procedure (P-14502/88; A-1780)
- 50 Ill. Adm. Code 754 Rules & Rate Filings (P-2057/88; A-1542)
- 50 Ill. Adm. Code 201 Subordinated Indebtedness (P-2909)
- 50 Ill. Adm. Code 2801 Surplus Line Business Requirements (P-3331)
- 50 Ill. Adm. Code 2011 Transitional Requirements for the Conversion of Medicare Supplement Insurance Benefits & Premiums to Conform to Medicare Program Revisions (P-13558/88; A-3804)

## INVESTMENT, ILLINOIS STATE BOARD OF

- 80 Ill. Adm. Code 2700 State (of Ill.) Employees' Deferred Compensation Plan (P-253) (E-629)

## LABOR, DEPARTMENT OF

- 56 Ill. Adm. Code 350 Health & Safety (P-5839) (P-15272/88; W-6819)

## LABOR RELATIONS BOARD, ILLINOIS EDUCATIONAL

- 80 Ill. Adm. Code 1125 Fair Share Fee Objections (P-16375/88; O-22478/88; R-1905; A-1784)
- 80 Ill. Adm. Code 1100 General Procedures (P-1327)
- 80 Ill. Adm. Code 1105 Hearing Procedures (P-1335)
- 80 Ill. Adm. Code 1110 Representation Procedures (P-1355)
- 80 Ill. Adm. Code 1120 Unfair Labor Practice Proceedings (P-1379)

## LABOR RELATIONS BOARD, ILLINOIS STATE/LABOR RELATIONS BOARD, ILLINOIS LOCAL

- 2 Ill. Adm. Code 2500 Public Information, Rulemaking & Organization (A-22210/88; CC-2883)

## LOTTERY, DEPARTMENT OF

- 11 Ill. Adm. Code 1770 Lottery (General) (P-10298/88; O-3419)

# ILLINOIS REGISTER

1989 CUMULATIVE INDEX

VOL. 13, ISSUE #18

MAY 5, 1989

## MENTAL HEALTH & DEVELOPMENTAL DISABILITIES, DEPARTMENT OF

- 59 Ill. Adm. Code 106 Services Charges (P-18087/88; A-3821)

## MILITARY AFFAIRS, DEPARTMENT OF

- 23 Ill. Adm. Code 3300 Loan of Military Artifacts (P-14809/88; O-3440; R-4957; A-4672)
- 71 Ill. Adm. Code 1510 Rental of National Guard Armories (P-14813/88; O-3442; R-5210; A-5098)

## MINES AND MINERALS, DEPARTMENT OF

- 62 Ill. Adm. Code 220 Surface Installation Health & Safety (P-23; A-5955) (P-756)

## NUCLEAR SAFETY, DEPARTMENT OF

- 32 Ill. Adm. Code 401 Accrediting Persons in the Practice of Medical Radiation Technology (P-982)
- 32 Ill. Adm. Code 332 Licensing Requirements for Source Material Milling Facilities (P-5874)
- 32 Ill. Adm. Code 410 Radiation Inspectors & Inspections (P-13841/88; A-342)
- 32 Ill. Adm. Code 360 Use of X-Rays in the Healing Arts Including Medical, Dental, Podiatry, & Veterinary Medicine (P-13858/88; A-803)

## POLLUTION CONTROL BOARD

- 35 Ill. Adm. Code 243 Air Quality Standards (P-19290/88; W-2536)
- 35 Ill. Adm. Code 211 Definitions & General Provisions (P-19296/88; W-2537)
- 35 Ill. Adm. Code 304 Effluent Standards (P-11669/88; A-851) (P-11397/88; A-2060) (P-15815/88; A-5976)
- 35 Ill. Adm. Code 604 Finished Water & Raw Water Quality & Quantity (P-255)
- 35 Ill. Adm. Code 720 Hazardous Waste Management System: General (P-15327/88; A-362)
- 35 Ill. Adm. Code 721 Identification & Listing of Hazardous Waste (P-15347/88; A-382)
- 35 Ill. Adm. Code 725 Interim Status Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities (P-15402/88; A-437)
- 35 Ill. Adm. Code 301 Introduction (P-15823/88; A-5984)
- 35 Ill. Adm. Code 601 Introduction (P-262)
- 35 Ill. Adm. Code 305 Monitoring & Reporting (P-15835/88; A-5989)
- 35 Ill. Adm. Code 309 Permits (P-15839/88; A-5993)
- 35 Ill. Adm. Code 201 Permits & General Provisions (P-5154/88; O-20221/88; R-1624; A-2066)
- 35 Ill. Adm. Code 310 Pretreatment Program (P-16384/88; A-2463)
- 35 Ill. Adm. Code 703 RCRA Permit Program (P-15444/88; A-447)
- 35 Ill. Adm. Code 605 Sampling & Monitoring (P-269; C-2539)
- 35 Ill. Adm. Code 307 Sewer Discharge Criteria (P-16396/88; A-1794)
- 35 Ill. Adm. Code 722 Standards Applicable to Generators of Hazardous Waste (P-15449/88; A-452)
- 35 Ill. Adm. Code 724 Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities (P-15455/88; A-458)
- 35 Ill. Adm. Code 704 UIC Permit Program (P-17167/88; A-478)
- 35 Ill. Adm. Code 731 Underground Storage Tanks (P-2650) (P-6861)
- 35 Ill. Adm. Code 302 Water Quality Standards (P-15844/88; A-5998)

## PRISONER REVIEW BOARD

- 20 Ill. Adm. Code 1610 Prisoner Review Board (P-4774/88; A-3063)

## PROFESSIONAL REGULATION, DEPARTMENT OF

- 68 Ill. Adm. Code 1175 Barber, Cosmetology & Esthetics Act of 1985, The (E-6810)
- 68 Ill. Adm. Code 1400 Clinical Psychologist Licensing Act (E-2519)
- 68 Ill. Adm. Code 1470 Clinical Social Work & Social Work Practice Act (E-5771)
- 68 Ill. Adm. Code 1220 Dental Practice Act (P-5867/88; O-3444; RC-3447; R-4306; A-4191) (P-5398)
- 68 Ill. Adm. Code 1250 Funeral Directors & Embalmers Act (P-3535)
- 68 Ill. Adm. Code 1465 III. Speech-Language Pathology & Audiology Practice Act, The (P-1388) (E-1616)
- 68 Ill. Adm. Code 1480 III. Structural Engineering Act, The (P-5424) (E-5781)
- 68 Ill. Adm. Code 1285 Medical Practice Act of 1987 (P-274) (P-8571/88; A-483) (E-651; O-3475)
- 68 Ill. Adm. Code 1280 Medical Practice Act of 1987 (PR-8536/88; AR-513)
- 68 Ill. Adm. Code 1320 Optometric Practice Act of 1987 (P-8606/88; A-6994)
- 68 Ill. Adm. Code 1360 Podiatry Act, The (P-14963/88; O-3450; RC-3452)



# ILLINOIS REGISTER

1989 CUMULATIVE INDEX

VOL. 13, ISSUE #18

MAY 5, 1989

## PROFESSIONAL REGULATION, DEPARTMENT OF (CONT'D)

68 Ill. Adm. Code 1360 Podiatric Medical Practice Act of 1987 (P-14963/88; O-3450; RC-3452; R-4308; A-3234)  
68 Ill. Adm. Code 1400 Psychologist Registration Act (P-2913)  
68 Ill. Adm. Code 1470 Social Workers Registration Act (P-5426)  
68 Ill. Adm. Code 1500 Veterinary Medicine & Surgery Practice Act (P-18100/88; A-3826)

## PUBLIC AID, DEPARTMENT OF

89 Ill. Adm. Code 130 Administration of Social Service Programs (P-20649/88; A-3831) (P-4469)  
89 Ill. Adm. Code 112 Aid to Families with Dependent Children (P-15905/88; A-70) (P-1948) (P-2235) (P-4116) (P-20661/88; A-6017) (P-22308/88; A-6017)  
89 Ill. Adm. Code 113 Aid to the Aged, Blind or Disabled (P-15898/88; A-63) (E-3402) (P-4481) (P-5440) (P-20654/88; A-6007) (P-22299/88; A-6007)  
89 Ill. Adm. Code 110 Application Process (P-2931) (P-20670/88; A-3836)  
89 Ill. Adm. Code 111 Assistance Standards (P-15920/88; A-85) (P-20674/88; A-3840)  
89 Ill. Adm. Code 160 Child Support Enforcement (P-1396) (P-20677/88; A-4268) (P-21039/88; A-4268)  
89 Ill. Adm. Code 165 Collections & Recoveries (P-20679/88; A-3890)  
89 Ill. Adm. Code 116 Crisis Assistance (P-20683/88; A-3843) (P-5450)  
89 Ill. Adm. Code 170 Demonstration Programs (P-4490)  
89 Ill. Adm. Code 141 Drug Manual (P-15483/88; A-516) (P-20370/88; A-3850)  
89 Ill. Adm. Code 121 Food Stamps (P-3541) (P-20686/88; A-3890)  
89 Ill. Adm. Code 101 General Administrative Provisions (P-20694/88; A-3897)  
89 Ill. Adm. Code 114 General Assistance (P-14996/88; A-89) (P-15924/88; A-89) (P-17621/88; A-1546) (P-19595) (P-20697/88; A-3900) (P-5456)  
89 Ill. Adm. Code 149 III. Competitive Access & Reimbursement Equity (ICARE) Program (P-13917/88; A-554) (P-3553)  
89 Ill. Adm. Code 120 Medical Assistance Programs (P-15938/88; A-116) (P-17633/88; A-2081) (P-3281) (P-20705/88; A-3908)  
89 Ill. Adm. Code 140 Medical Payment (P-11995/88; A-125; CC-2543) (P-16421/88; O-1259; M-3195; A-3069) (P-17172/88; O-1263; R-2538; A-2475) (P-1420) (P-2937) (P-3295) (P-5958/88; A-3351) (P-12976/88; A-3917) (P-17643/88; A-5115) (P-5465) (P-11701/88; A-5718) (P-17172/88; A-5718) (P-19868/88; A-7025)  
89 Ill. Adm. Code 146 Point Count Guidelines for ICF/MR & SNF/PED Facilities (A-7040)  
89 Ill. Adm. Code 115 Refugee/Entrant/Repatriate Program (P-2702) (P-20735/88; A-3932)  
89 Ill. Adm. Code 147 Reimbursement for Nursing Costs for Geriatric Facilities (P-10627/88; O-20231/88; R-677; A-559) (P-3562) (P-17201/88; O-5800; R-7148; A-7043)  
89 Ill. Adm. Code 117 Related Program Provisions (P-20739/88; A-3936) (P-5487)  
89 Ill. Adm. Code 102 Rights & Responsibilities (P-20743/88; A-3940)  
89 Ill. Adm. Code 104 Rules of Practice in Administrative Hearings (P-2958) (P-20747/88; A-3944)  
89 Ill. Adm. Code 118 Special Eligibility Groups (P-20753/88; A-3950)  
89 Ill. Adm. Code 103 Support Responsibility of Relatives (P-17667/88; A-2496) (P-20757/88; A-3954)

## PUBLIC HEALTH, DEPARTMENT OF

77 Ill. Adm. Code 200 Alcoholism & Intoxication Treatment Programs (PR-17673/88; A-4681)  
77 Ill. Adm. Code 855 Asbestos Abatement for Public & Private Schools in Ill. (P-6564/88; A-2768)  
77 Ill. Adm. Code 450 Clinical Laboratories & Blood Banks (P-2249) (P-19327/88; A-4285)  
77 Ill. Adm. Code 694 College Immunization Code (P-5491)  
77 Ill. Adm. Code 535 Emergency Medical Services (P-4126) (P-4500)  
77 Ill. Adm. Code 750 Food Service Sanitation Code (P-14113/88; A-1819) (P-6888)  
77 Ill. Adm. Code 710 III. Alzheimer's Disease & Related Disorders Assistance Code (P-6913)  
77 Ill. Adm. Code 690 III. Blood Bank Code (P-2974)  
77 Ill. Adm. Code 790 III. Formulary for the Drug Product Selection Program, The (P-12991/88; A-856) (P-16425/88; A-856) (P-3015) (E-3108)  
77 Ill. Adm. Code 890 III. Plumbing Code (P-4543)  
77 Ill. Adm. Code 540 III. Trauma Center Code (P-4616)  
77 Ill. Adm. Code 350 Intermediate Care for the Developmentally Disabled Facilities Code (P-21621/88; A-6040)  
77 Ill. Adm. Code 390 Long Term Care for Under Age 22 Facilities Code (P-21064/88; A-6501)  
77 Ill. Adm. Code 661 Newborn Metabolic Screening & Treatment Code (P-3599)

# ILLINOIS REGISTER

1989 CUMULATIVE INDEX

VOL. 13, ISSUE #18

MAY 5, 1989

## PUBLIC HEALTH, DEPARTMENT OF (CONT'D)

68 Ill. Adm. Code 750 Plumbers Licensing Code (P-6934)  
68 Ill. Adm. Code 750 Plumbers Licensing Code (P-6949)  
68 Ill. Adm. Code 635 Program Content & Guidelines for Title X Family Planning Services (P-5505)  
77 Ill. Adm. Code 380 Residential Rehabilitation Facilities Code (P-987)  
77 Ill. Adm. Code 760 Retail Food Store Sanitation Code (P-14115/88; A-1830) (P-6964)  
77 Ill. Adm. Code 725 Salvage Warehouses & Stores for Foods, Alcoholic Liquors, Drugs, & Cosmetics (PR-7265/88; AR-2517)  
77 Ill. Adm. Code 725 Salvage Warehouses & Stores for Foods, Alcoholic Liquors, Drugs, Medical Devices & Cosmetics (P-7272/88; A-2502)  
77 Ill. Adm. Code 330 Sheltered Care Facilities Code (P-21893/88; A-6562)  
77 Ill. Adm. Code 300 Skilled Nursing & Intermediate Care Facilities Code (P-21333/88; A-4684) (P-13581/88; A-5134)  
77 Ill. Adm. Code 830 Structural Pest Control Code (P-3325/88; A-2090)  
77 Ill. Adm. Code 542 Trauma Nurse Specialist Course Code (P-4544/88; A-3086)

## PUBLIC HEALTH, DEPARTMENT OF/HEALTH FACILITIES PLANNING BOARD

77 Ill. Adm. Code 1150 Certificate of Need for Health Maintenance Organizations (PR-5580)  
77 Ill. Adm. Code 1100 Narrative & Planning Policies (P-5596)  
77 Ill. Adm. Code 1110 Processing, Classification Policies & Review Criteria (P-5619)

## RACING BOARD, ILLINOIS

11 Ill. Adm. Code 422 Approval of Racing Officials (P-13922/88; A-1558)  
11 Ill. Adm. Code 208 Charitable Funds (P-13926/88; O-20234/88; M-1250; A-1232)  
11 Ill. Adm. Code 437 County Fair Regs. (P-1099; O-5802)  
11 Ill. Adm. Code 502 Licensing (P-17755/88; A-1562) (P-18105/88; A-4931)  
11 Ill. Adm. Code 1409 Ownership, Partnership & Stable Name (P-17761/88; O-1266; R-1906; A-1841)  
11 Ill. Adm. Code 417 Pick Six Rules (E-1899; O-5811) (P-1979)  
11 Ill. Adm. Code 1308 Racing, Farm, Corporate or Stable Name (P-17766/88; O-1268; R-2167; A-2156)  
11 Ill. Adm. Code 1410 Trainers & Owners (P-4345; A-1846)

## RECORDS COMMISSION, STATE

44 Ill. Adm. Code 4400 State Records Commission (P-44)

## REGENTS, BOARD OF

44 Ill. Adm. Code 525 Joint Rules of the Board of Regents, the Board of Governors of State Colleges & Universities, the Board of Trustees of the University of Ill., & the Board of Trustees of Southern Ill. University: Procurement & Bidding (P-2709)  
44 Ill. Adm. Code 526 Procurement from Minority & Female Owned Business Enterprises (P-2746)

## REHABILITATION SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 510 Administrative Reviews & Hearings (PR-3020)  
89 Ill. Adm. Code 557 Application (P-5914)  
89 Ill. Adm. Code 510 Appeals & Hearings (P-3036)  
89 Ill. Adm. Code 520 Authorization (P-6911/88; A-5149)  
89 Ill. Adm. Code 562 Client Financial Participation (P-4685/88; A-2866)  
89 Ill. Adm. Code 530 Criteria for the Evaluation of Programs of Services in Rehabilitation Facilities (P-3565/88; A-141)  
89 Ill. Adm. Code 843 Disability Case Development Process (P-15015/88; A-4298)  
89 Ill. Adm. Code 552 Eligibility (P-52; W-4309) (P-277)  
89 Ill. Adm. Code 685 Establishment & Administration of Special Education, The (P-13948/88; A-5154)  
89 Ill. Adm. Code 850 Medical Improvement Review Standard for Continuing Disability (P-8910/88; A-22454/88; CC-3196)  
89 Ill. Adm. Code 587 Medical, Psychological & Related Services (P-2192/88; A-1850)  
89 Ill. Adm. Code 685 Non-Financial Eligibility Criteria (P-15023/88; A-5158)  
89 Ill. Adm. Code 714 Non-Homemaker Service Provider Requirements (P-4152)  
89 Ill. Adm. Code 607 Other Services (P-56) (E-225; O-3478)



## ILLINOIS REGISTER

1989 CUMULATIVE INDEX

MAY 5, 1989

VOL. 13, ISSUE #18

## REHABILITATION SERVICES, DEPARTMENT OF (CONT'D)

89 Ill. Adm. Code 675 Program Description (P-13956/88; A-6768)  
 89 Ill. Adm. Code 700 Service Plan Development (P-10409/88; A-3101)  
 89 Ill. Adm. Code 845 Sequential Evaluation Process for the Determination of Disability (P-4641)  
 89 Ill. Adm. Code 829 Sex Equity (P-5990/88; A-5755)  
 89 Ill. Adm. Code 567 Similar Benefits (P-281)  
 89 Ill. Adm. Code 597 Tools, Equipment, Supplies & Initial Stock (P-2197/88; A-1568)  
 89 Ill. Adm. Code 895 Total Life Planning Program (P-3310)  
 89 Ill. Adm. Code 592 Training Services (P-2092/88; A-1573)

## RETIREMENT SYSTEM OF ILLINOIS, STATE EMPLOYEES

80 Ill. Adm. Code 1570 Administration & Operation of the State Employees' Retirement System of Ill.-Social Security Unit, The (P-14122/88; O-22492/88; R-1626; A-1577)

## REVENUE, DEPARTMENT OF

86 Ill. Adm. Code 425 Alcoholic Liquor -- Hearings (PR-19976/88; AR-6780)  
 86 Ill. Adm. Code 210 Board of Appeals (P-11060/88; A-6782)  
 86 Ill. Adm. Code 445 Cigarette Tax Act -- Hearings (PR-19987/88; AR-6785)  
 86 Ill. Adm. Code 455 Cigarette Use Tax Act -- Hearings (PR-19987/88; AR-6787)  
 86 Ill. Adm. Code 600 County Supplementary Retailers Occupation Tax Regs. (P-1448)  
 86 Ill. Adm. Code 610 County Supplementary Retailers Occupation Tax Regs. (P-1460)  
 86 Ill. Adm. Code 620 County Supplementary Use Tax Regs. (P-1468)  
 86 Ill. Adm. Code 630 County Water Commission Retailers' Occupation Tax Regs. (P-1473)  
 86 Ill. Adm. Code 640 County Water Commission Service Occupation Tax Regs. (P-1485)  
 86 Ill. Adm. Code 650 County Water Commission Use Tax Regs. (P-1493)  
 86 Ill. Adm. Code 100 Income Tax Regs. (P-768) (P-2383)  
 86 Ill. Adm. Code 200 Practice & Procedure for Hearings Before the Ill. Department of Revenue (P-19993/88; A-6789)

Property Tax/Revenue Act of 1939 (P-20007/88; A-6803)

Pull Tabs & Jar Games Act (P-15027/88; A-191)

Retailers' Occupation Tax Hearings (PR-20012/88; AR-6808)

Senior Citizens & Disabled Persons Property Tax Relief & Pharmaceutical Assistance Act (P-11104/88; A-1589)

Tax Increment Allocation Financing (E-5788)

Vehicle Use Tax Regs. (P-1498)

## SAVINGS AND LOAN ASSOCIATIONS, COMMISSIONER OR

Ill. Savings & Loan Act of 1985 (P-1985)

## SCHOLARSHIP COMMISSION, STATE

Guaranteed Loan Programs (P-15047/88; A-2872) (P-18114/88; RC-5805)

## SECRETARY OF STATE

92 Ill. Adm. Code 1040 Cancellation, Revocation or Suspension of Licenses or Permits (P-15947/88; A-1593) (P-17259/88; A-5162)  
 92 Ill. Adm. Code 1010 Certificates of Title, Registration of Vehicles (P-1103) (P-16432/88; A-1598) (P-19642/88; A-5173) (P-5655)  
 92 Ill. Adm. Code 1003 Collection of Fees (P-20019/88; O-3454; RC-3458; R-7150; A-7048)  
 14 Ill. Adm. Code 177 Credit Services Organizations (P-20434/88; A-4937)  
 92 Ill. Adm. Code 1020 Dealers, Wreckers, Transporters & Rebuilders (P-5665)  
 92 Ill. Adm. Code 1000 General Rules, Definitions (P-3316) (P-17269/88; A-5185)  
 92 Ill. Adm. Code 3030 Ill. Library System Act, The (P-12180/88; A-1244)  
 92 Ill. Adm. Code 1030 Issuance of Licenses (P-2395) (P-2753) (P-3324) (P-17275/88; A-5192)  
 14 Ill. Adm. Code 176 Notary Public Records (P-17770/89; A-5197)  
 92 Ill. Adm. Code 1019 Remittance Agents (P-19652/88; A-4944)

## ILLINOIS REGISTER

1989 CUMULATIVE INDEX

MAY 5, 1989

VOL. 13, ISSUE #18

## SOUTHERN ILLINOIS UNIVERSITY, BOARD OF TRUSTEES OF

44 Ill. Adm. Code 540 Joint Rules of the Board of Regents, the Board of Governors of State Colleges & Universities, the Board of Trustees of the University of Ill., & the Board of Trustees of Southern Ill. University: Procurement & Bidding (P-2764)

## STATE POLICE, DEPARTMENT OF

20 Ill. Adm. Code 1295 Certification & Training of Electronic Criminal Surveillance Officers (P-17064/88; RC-1270; A-1856)

## STATE POLICE MERIT BOARD, DEPARTMENT OF

80 Ill. Adm. Code 150 Procedures of the Department of State Police Merit Board (P-16438/88; A-5201)

## TRANSPORTATION, DEPARTMENT OF

92 Ill. Adm. Code 177 Carriage by Public Highway (P-20027/88; A-3957)  
 92 Ill. Adm. Code 10 Disadvantaged, Minority & Woman-Owned Businesses (P-19365/88; A-3962)  
 92 Ill. Adm. Code 545 Financing the Installation & Maintenance of School Traffic Signals & Commercial-Industrial Traffic Signals on State Highways (P-1111)  
 92 Ill. Adm. Code 708 Floodway Construction in Northeastern Ill. (P-1503)  
 92 Ill. Adm. Code 171 General Information, Regs., & Definitions (P-20032/88; A-3984)  
 92 Ill. Adm. Code 172 Hazardous Materials, Table & Hazardous Materials Communications (P-20040/88; A-3993)  
 92 Ill. Adm. Code 448 Official Testing Stations (P-1127)  
 92 Ill. Adm. Code 96 Pal-Waukee Municipal Airport Hazard-Zoning (P-15049/88; A-3384)  
 92 Ill. Adm. Code 518 Relocation Assistance & Payments Program (PP-7057)  
 92 Ill. Adm. Code 173 Shippers General Requirements for Shipments & Packagings (P-20055/88; A-3998)  
 92 Ill. Adm. Code 178 Shipping Container Specifications (P-20045/88; A-4004)  
 92 Ill. Adm. Code 452 Vehicle Inspection Stations Governing School Buses (PR-16447/88; W-2881)  
 92 Ill. Adm. Code 451 Vehicle Inspections (P-16536/88; W-2882)  
 92 Ill. Adm. Code 534 Vending Machines in Rest Areas (P-15952/88; A-1866) (P-2760)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## Agenda

January 9, 1989

March 1, 1989

April 5, 1989

May 9, 1989

## Second Notices Received

242, 668, 969, 1275, 1628, 1907, 2208, 2565, 2884, 3203, 3501, 4056, 4321, 4958, 5211, 5820, 6820, 7165

239  
2548  
4310  
7155

## PUBLIC HEARINGS ON PROPOSED RULES

## ELECTIONS, STATE BOARD OF

26 Ill. Adm. Code 208 Constitutional Amendments & Statewide Questions of Public Policy  
 26 Ill. Adm. Code 201 Established Political Party & Independent Candidate Nominating Petitions  
 26 Ill. Adm. Code 207 Miscellaneous  
 26 Ill. Adm. Code 202 New Political Party Nominating Petitions

7151  
7152  
7153  
7154

## FIRE MARSHAL, OFFICE OF THE STATE

41 Ill. Adm. Code 100 Fire Prevention & Safety

2168

## POLLUTION CONTROL BOARD

35 Ill. Adm. Code 615 Standards for Existing Activities Located Within a Setback Zone or Regulated Recharge Area

5814



# ILLINOIS REGISTER

1989 CUMULATIVE INDEX

MAY 5, 1989

VOL. 13, ISSUE #18

## PUBLIC HEARINGS ON PROPOSED RULES (CONT'D)

### POLLUTION CONTROL BOARD (CONT'D)

35 Ill. Adm. Code 616 Standards for New Activities Located Within a Setback Zone or Regulated Recharge Area

5816

### PUBLIC HEALTH, DEPARTMENT OF

77 Ill. Adm. Code 450 Clinical Laboratories & Blood Banks

77 Ill. Adm. Code 694 College Immunization Code

77 Ill. Adm. Code 490 Ill. Blood Bank Code

2545

5818

3199

## PUBLIC INFORMATION

### BANKS AND TRUST COMPANIES, COMMISSIONER OF

Notice of Acceptance of an Application by Commerce Bancshares, Inc., Kansas City, Missouri, to Acquire First Bankers Trustshares, Inc., Quincy, Illinois

Notice of Acceptance of an Application by First Bank, Inc., St. Louis, Missouri, to Acquire the Salem

National Bank, Salem, Illinois

Notice of Acceptance of an Application by First of America Bank Corporation to Acquire Whiteside

County Bank

Notice of Acceptance of an Application by Old National Bancorp to Acquire the First National Bank of Harrisburg

4055

2169

1627

968

### LABOR, DEPARTMENT OF

List of Contractors Prohibited from an Award of a Contract or a Subcontract for Public Works Project

List of Contractors Prohibited from an Award of a Contract or a Subcontract for Public Works Project

3201

3202

### REVENUE, DEPARTMENT OF

Index of Letter Rulings (Fourth Quarter of 1988) (ROT)

Index of Letter Rulings (Fourth Quarter of 1988) (Income Tax)

2170

3481

## REGULATORY AGENDA

### AGING, DEPARTMENT ON

89 Ill. Adm. Code 230 Older Americans Act Programs

3197

## EXECUTIVE ORDERS AND PROCLAMATIONS

### EXECUTIVE ORDERS

89-1 Rescinding Executive Order 85-2 & Establishing the Ill. Planning Council on Developmental Disabilities

89-2 Executive Order Creating A Science & Technology Advisor to the Governor

2212

4960

### PROCLAMATIONS

89-001 James R. Wolfe's Memorial Award Day

89-002 Chicago Opera Theater Week

89-003 American History Month

89-004 Congratulates Frank R. Adams

89-005 Vocational Education Week

89-006 Volunteer Connection Day

89-007 Cerebral Palsy Month

89-008 Four Chaplains Sunday

89-009 Homemakers Extension Association Week

89-010 Ill. Trail Appreciation Month

669

670

671

672

673

674

675

676

677

678

# ILLINOIS REGISTER

1989 CUMULATIVE INDEX

MAY 5, 1989

VOL. 13, ISSUE #18

## PROCLAMATIONS (CONT'D)

89-010 Ill. Trail Appreciation Month (Revised)

89-011 School Social Work Week

89-012 American Savings & Loan/100th Anniversary

89-013 Center For Children's Services Day

89-014 Child Find Month

89-015 Jaycee Week

89-016 Commissioned Corps of the United States Public Health Service Day

89-017 Ill. Salutes India Month

89-018 Junior Achievement Week

89-019 Kiwanis Week

89-020 Land Surveyors' Month

89-021 Smiles for Little City Days

89-022 Chicago Advertising Woman of the Year Week

89-023 Dr. Martin Luther King Day

89-024 Declares the Counties of Edwards, Wabash, Wayne & White to be Disaster Areas

89-025 ROTC Week

89-026 Seed Month

89-027 Amateur Athletic Union Physique Day

89-028 Nutrition Month

89-029 American Homeless Awareness Day

89-030 Community Action Day

89-031 Orchid Week

89-032 Sales & Marketing Month

89-033 Poison Prevention Week

89-034 Ukrainian Independence Day

89-035 Free Enterprise Week

89-036 Snowmobile Safety Week

89-037 Women in Sports Day

89-038 Burn Awareness Week

89-039 Earth Day

89-040 Ill. Jaycee Week

89-041 Ill. Lumber & Material Dealers Days

89-042 Consumers Week

89-043 African-American History Month

89-044 Lions of Ill. Eye Bank Day

89-045 Black History Month

89-046 Employ the Older Worker Week

89-047 Future Business Leaders of America-Phi Beta Lambda Month

89-048 Lithuanian Independence Day

89-049 United States Power Squadrons Day

89-050 Cardiac Rehabilitation Week

89-051 Future Farmers of America Week

89-052 Labor-Management Cooperation Week

89-053 STC's International Technical Communication Week

89-054 Engineers Week

89-055 DuPage County Sequicentennial

89-056 Tornado Preparedness Week

89-057 Legislators' Fitness Day

89-058 Rehabilitation Facilities Week

89-059 Recognizes John G. Gilbert

89-060 Grammy Awards Celebration Day

89-061 Listening Awareness Day

89-062 RP Awareness Day

89-063 St. David's Day

89-064 Women's History Month

1277

679

680

681

682

683

684

971

972

973

974

975

976

977

978

1278

1279

1280

1281

1629

1630

1631

1632

1633

1634

1635

1636

1637

1909

1910

1911

1912

1913

1914

1915

2219

2220

2221

2222

2223

2224

2225

2226

2227

2228

2568

2569

2570

2887

2888

3205

3206

3207

3208

3209



**PROCLAMATIONS (CONT'D)**

89-065	Casimir Pulaski Day	3210
89-066	Ill. State Quartet Convention Week	3211
89-067	Youth Art Month	3212
89-068	Viet Nam Veterans Day	3503
89-069	International Demolition Week	3504
89-070	Agriculture Week	3505
89-071	Herman Bryant Day	3506
89-072	Four Seasons Hotel Chicago Opening Day	3507
89-073	City of Belleville Year	3508
89-074	Shamrocks Against Dystrophy Days in Ill.	3509
89-075	Technical Education Week	3510
89-076	Pharmacy Day	4057
89-077	Arts Education Week	4058
89-078	Biomedical Equipment Technology Week	4059
89-079	U. S. Savings Bond Month	4060
89-080	Congratulates Top Ladies of Distinction	4061
89-081	Earthquake Awareness Week	4062
89-082	Home Center Week	4063
89-083	Junior League of Springfield Appreciation Week	4064
89-084	Licensed Practical Nurse Week	4065
89-085	POW-MIA Day	4066
89-086	Professional Social Work Month	4067
89-087	Rochelle Lee Fund Day	4068
89-088	School Psychology Week	4069
89-089	Call Before You Dig Month	4070
89-090	Ill. Veterans Affairs Day	4323
89-091	Marine Night Fighter Association Days	4324
89-092	Recognizes Clarence Darrow Community Center/Honors George Kalindonis	4325
89-093	Surgical Technologist Week	4326
89-094	Auctioneer's Week	4327
89-095	Ill. Clean & Beautiful & Tree City USA Appreciation Month	4328
89-096	Volunteer Week	4329
89-097	Bielarusian/Bielorussian Day	4963
89-098	Breastfeeding Promotion Month	4964
89-099	High Blood Pressure Month	4965
89-100	Jesse White Day	4966
89-101	Library Week	4967
89-102	Professional Secretaries Week/Professional Secretaries Day	4968
89-103	School Library Day	4969
89-104	Veterinary Medical Education Week	4970
89-105	American Vintage Wristwatch Day	4971
89-106	Gamma Phi Circus Week	4972
89-107	Ill. Employee Fitness Day	4973
89-108	Parks & Recreation Month	4974
89-109	Building Safety Week	4975
89-110	Groundwater Protection Month	4976
89-111	Ill. Cooperative Extension Day	4977
89-112	Ill. Industry Appreciation Day	4978
89-113	Post Anesthesia Nurse Awareness Week	4979
89-114	Recycling Week	4980
89-115	Public Health Professionals: Peers & Partners Week	4981
89-116	Business Opportunity Days	4982
89-117	Drinking Water Week	4983
89-118	Ill. Science Day	

**PROCLAMATIONS (CONT'D)**

89-119	Irv Kupcinet Day	5212
89-120	Keep America Beautiful Month	5213
89-121	Lioness Caramel Corn Day	5214
89-122	Medical Laboratory Week	5215
89-123	State Horseshoe Festival Day	5216
89-124	Stroke Club Day	5217
89-125	United Insurance Company of America Day	5218
89-126	Youth Temperance Education Week	5219
89-127	His Eminence Archbishop Jakovos/50th Anniversary	5220
89-128	Rainbow House/Arco Iris Day	5221
89-129	Days of Remembrance	5222
89-130	Deputy Chief Gerald B. Creed Day	5223
89-131	Lake & Watershed Management Month	5224
89-132	Student Athlete Day	5225
89-133	Corfu-Tasty Gyros, Inc. Day	5226
89-134	Recognizes the 35th Anniversary of the Nu Iota Chapter of Alpha Omicron Pi	5227
89-135	Ted Liss Day	5228
89-136	New Homes Month	5229
89-137	Queen Isabella Day	5230
89-138	Coin Week	5231
89-139	Hyde Park Art Center Day	5232
89-140	Job's Daughters Week	5233
89-141	Medical Assistants' Week	5234
89-142	Rural Electric Youth Day	5235
89-143	Special Olympics Week	5236
89-144	Ill. Historical Library Month	5237
89-145	Victim Rights Week	5238
89-146	Welcome Home Chuck Marshall Day	5239
89-147	James & Sybil Stockdale Day	5240
89-148	Design-Drafting Week	5241
89-149	Bielarusian Independence Day	5242
89-150	Child Abuse Prevention Month	5243
89-151	Earth Week	5244
89-152	Grade Crossing Safety Week	5245
89-153	Music Week	5246
89-154	Small Business Week	5247
89-155	Adopt-A-Cat Month	5248
89-156	Child Support Awareness Day	5249
89-157	Croatian Independence Day	5250
89-158	Displaced Homemakers' Week	5251
89-159	Food & Beverage Packaging Week (Revised)	5252
89-160	Motorcycle Awareness Month	5253
89-161	Older Americans Month	5254
89-162	Public Service Recognition Week	5255
89-163	Space Development Week	5256
89-164	CMW - Converting Machinery/Materials Day	5257
89-165	Community Mental Health Services Week	5258
89-166	Entrepreneur Achievement Week	5259
89-167	Goodwill Industries Week	5260
89-168	Nursing: The Heartbeat of Health Care Days In Chicago Day	5261
89-169	Pan American Week	5262
89-170	Credit Education Week	5263
89-171	Dr. Jack L. Greider Day	5264
89-172	Commemorates Warsaw Ghetto Uprising	5265



PROCLAMATIONS (CONT'D)

89-173	Day of Prayer	6859
89-174	Municipal Clerks Week	6860
89-175	Subcontractors Month	6861
89-176	Music in Our Schools Month	7168
89-177	Centennarians Day	7169
89-178	Student Council Leadership Week	7170
89-179	Teacher Appreciation Week	7171
89-180	The Year of Recognition for the Institute of Business Designers	7172
89-181	Just Say No Day	7173
89-182	Moscow-Chicago Theatre Exchange Week	7174
89-183	Nursing Home Week	7175
89-184	Enterostomal Therapy Nurses Day	7176
89-185	Nurses' Week	7177
89-186	Bird Appreciation Week	7178
89-187	Stamp Collecting Week	7179
89-188	Stephen A. Forbes Biological Station Day	7180

The Sections Affected Index lists, by Title, each Section of a codified Part on which rulemaking activity has occurred in this volume of the Register and is divided into two parts: the first lists the Sections on which rulemaking occurred in the previous issues of this volume year; the second lists the Sections on which rulemaking activity occurred in this issue of the Register. (The headings at the top of each page indicate the two parts: the first part shows the previous issue numbers inclusively and the date of the last published issue; the second lists the current issue number and date.) The columns in both parts indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume (calendar year) of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 1 Ill. Adm. Code 100.280 was proposed last year and adopted this year. The action entry reads: (P-8577/86; A-724)) The codes for both columns are listed below. For a complete listing of the Titles of the Illinois Administrative Code, please refer to 1 Ill. Adm. Code 100.140 or contact the Administrative Code Division.

TYPE OF RULEMAKING

am = amendment to existing Section  
cc = codification changes  
n = new Section  
r = repeal of existing Section  
rc = reclassified  
# = renumbered

ACTION CODES

A = Adopted rule  
C = Correction  
CC = Codification Changes  
E = Emergency rule  
F = Failure to Remedy  
M = Modification  
O = ICAR Objection  
P = Proposed rule  
PF = Prohibited Filing  
PP = Peremptory rule  
R = Refusal to Modify or Withdraw  
RC = ICAR Recommendation  
S = Suspended rule  
W = Withdrawal of Proposed rule

TITLE 2

700 Ap. D	am	(A-5066)
850.15	n	(A-1510)
850.20	am	(A-1510)
850.30	am	(A-1510)
850.110	am	(A-1510)
850.120	am	(A-1510)
850.130	am	(A-1510)
850.205	n	(A-1510)
850.210	am	(A-1510)
850.220	am	(A-1510)
850.230	am	(A-1510)
850.240	am	(A-1510)
850.Tb. A	am	(A-1510)
850.Tb. B	am	(A-1510)
850.Tb. C	am	(A-1510)
850.Tb. D	am	(A-1510)
850.Tb. E	am	(A-1510)
850.Tb. G	am	(A-1510)
850.Tb. H	am	(A-1510)
5025.10	r	(A-3742)
5025.110	n	(A-3747)
5025.120	n	(A-3747)
5025.130	n	(A-3747)
5025.140	n	(A-3747)
5025.150	n	(A-3747)
5025.160	n	(A-3747)
5025.170	n	(A-3747)
5025.180	n	(A-3747)
5025.210	n	(A-3747)
5025.210	r	(A-3742)
5025.220	r	(A-3742)
5025.230	r	(A-3742)

TITLE 2 (CONT'D)

5025.310	n	(A-3747)
5025.320	n	(A-3747)
5025 Ap. A	r	(A-3742)

TITLE 3

20.1	am	(P-19178/88; W-2166)
25.20	am	(P-19164/88; A-3628)
25.30	am	(P-19164/88; A-3628)
25.50	am	(P-19164/88; A-3628)
25.130	am	(P-19164/88; A-3628)
75.5	am	(P-19172/88; A-3636)
75.190	am	(P-19172/88; A-3636)
80.10	am	(P-19196/88; A-3676)
80.20	am	(P-19196/88; A-3676)
80.110	am	(P-19196/88; A-3676)
85.5	am	(P-19185/88; A-3642)
85.10	am	(P-19185/88; A-3642)
85.15	am	(P-19185/88; A-3642)
85.50	am	(P-19185/88; A-3642)
85.75	am	(P-19185/88; A-3642)
90.10	am	(P-19201/88; A-3681)
90.110	am	(P-19201/88; A-3681)
105.5	am	(P-20309/88; A-3715)
105.10	am	(P-20309/88; A-3715)
105.30	am	(P-20309/88; A-3715)
110.50	am	(P-19153/88; A-3617)
110.80	am	(P-19153/88; A-3617)
110.90	am	(P-19153/88; A-3617)
110.110	am	(P-19153/88; A-3617)
110.120	am	(P-19153/88; A-3617)
115.10	am	(P-19218/88; A-3685)
115.20	am	(P-19218/88; A-3685)



TITLE & (CONT'D)		
125.10	am	(PP-228)
125.60	am	(P-19211/88; A-3696)
125.80	am	(P-19211/88; A-3696)
125.260	am	(PP-228)
125.270	am	(PP-228)
125.305	am	(PP-2160)
230.20	am	(P-3511) (E-4015)
255.10	n	(P-2571)
255.20	n	(P-2571)
255.30	n	(P-2571)
255.40	n	(P-2571)
255.50	n	(P-2571)
255.60	n	(P-2571)
255.70	n	(P-2571)
255.80	n	(P-2571)
255.90	n	(P-2571)
255.100	n	(P-2571)
255.110	n	(P-2571)
255.120	n	(P-2571)
255.130	n	(P-2571)
255.140	n	(P-2571)
255.150	n	(P-2571)
255.160	n	(P-2571)
255.170	n	(P-2571)
505.10	am	(P-19806/88; A-3703)
505.20	am	(P-19806/88; A-3703)
505.25	am	(P-19806/88; A-3703)
505.240	am	(P-19806/88; A-3703)
505.280	am	(P-19806/88; A-3703)
505.310	am	(P-19806/88; A-3703)
700.Ap. F	am	(P-2594)
700.Ap. G	am	(P-17139/88; A-3653)
700.Ap. I	am	(P-14786/88; A-285)
1400.147	am	(P-5545/88; A-2440)
1400.149	am	(P-5545/88; A-2440)

DATE	n	(P-13926088; O-20234088; R-1250; M-1250; A-1232)
208.10	n	(P-13926088; O-20234088; R-1250; M-1250; A-1232)
208.20	n	(P-13926088; O-20234088; R-1250; M-1250; A-1232)
208.30	n	(P-13926088; O-20234088; R-1250; M-1250; A-1232)
208.40	n	(P-13926088; O-20234088; R-1250; M-1250; A-1232)
208.100	n	(P-13926088; O-20234088; R-1250; M-1250; A-1232)
208.110	n	(P-13926088; O-20234088; R-1250; M-1250; A-1232)
208.120	n	(P-13926088; O-20234088; R-1250; M-1250; A-1232)
417.30	un	(E-1899; O-5811) (P-1979)
417.35	n	(E-1899; O-5811) (P-1979)
417.100	n	(E-1899; O-5811) (P-1979)
422.20	n	(P-13922088; A-1558)
437.10	n	(P-1999; O-5802)

	n	(P-1099; O-5802)
437.20	n	(P-1099; O-5802)
437.30	n	(P-1099; O-5802)
437.40	n	(P-1099; O-5802)
502.40	am	(P-18105/68; A-4931)
502.120	am	(P-17755/68; A-1562)
502.600	am	(P-17755/68; A-1562)
1308.20	am	(P-17766/88; O-1268; R-2167; A-2156)
1308.30	n	(P-17766/88; O-1268; R-2167; A-2156)
1308.40	n	(P-17766/88; O-1268; R-2167; A-2156)
1409.120	am	(P-17761/88; O-1266; R-1906; A-1841)
1409.130	am	(P-17761/88; O-1266; R-1906; A-1841)
1409.132	r	(P-17761/88; A-1841)
1410.10	am	(P-4345/88; A-1846)
1410.15	r	(P-4345/88; A-1846)
1770.10	n	(P-10298/88; O-3419)
1770.20	n	(P-10298/88; O-3419)
1770.30	n	(P-10298/88; O-3419)
1770.40	n	(P-10298/88; O-3419)
1770.50	n	(P-10298/88; O-3419)
1770.60	n	(P-10298/88; O-3419)
1770.70	n	(P-10298/88; O-3419)
1770.80	n	(P-10298/88; O-3419)
1770.90	n	(P-10298/88; O-3419)
1770.100	n	(P-10298/88; O-3419)
1770.110	n	(P-10298/88; O-3419)
1770.120	n	(P-10298/88; O-3419)
1770.130	n	(P-10298/88; O-3419)
1770.140	n	(P-10298/88; O-3419)
1770.150	n	(P-10298/88; O-3419)
1770.160	n	(P-10298/88; O-3419)
1770.170	n	(P-10298/88; O-3419)
1770.180	n	(P-10298/88; O-3419)
1770.190	n	(P-10298/88; O-3419)
1770.200	n	(P-10298/88; O-3419)

ITEM #4	mm	(P 1770/088; A 5197)
176.11	n	(P 2043/088; A 4937)
177.10	n	(P 2043/088; A 4937)
177.20	n	(P 2043/088; A 4937)
177.30	n	(P 2043/088; A 4937)
177.40	n	(P 2043/088; A 4937)
177.11. A	n	(P 2043/088; A 4937)
177.11. B	n	(P 2043/088; A 4937)
520.700	mm	(P 4985)
520.710	mm	(P 4985)
520.720	mm	(P 4985)
520.730	mm	(P 4985)
520.740	mm	(P 4985)
520.750	n	(P 4985)
520.1000	mm	(P 4985)
520.1010	mm	(P 4985)
520.1020	mm	(P 4985)

TITLE 14 (CONT'D)		TITLE 17 (CONT'D)	
520.1030	ann (P-4985)	590.10	ann (P-3221; E-2224/88; O-3462)
570.30	ann (P-2071/487; A-58)	590.30	ann (P-3221)
590.10	ann (P-1524/88; A-2028)	590.40	ann (P-3221)
590.80	n (P-1524/88; A-2028)	590.50	ann (P-3221)
590.81	n (P-1524/88; A-2028)	590.60	ann (P-3221)
590.90	n (P-1524/88; A-2028)	590 Ex. A	
590.91	n (P-1524/88; A-2028)	650.20	ann (P-4442)
590.92	n (P-1524/88; A-2028)	650.21	ann (P-4442)
590.93	n (P-1524/88; A-2028)	650.22	ann (P-4442)
620.10	ann (P-14797/88; A-1758)	650.40	ann (P-4442)
620.30	ann (P-14797/88; A-1758)	650.50	ann (P-4442)
620.40	ann (P-14797/88; A-1758)	650.60	ann (P-4442)
620.50	ann (P-14797/88; A-1758)	670.20	ann (P-5052)
620.60	ann (P-14797/88; A-1758)	670.30	ann (P-5052)
620.70	ann (P-14797/88; A-1758)	670.40	ann (P-5052)
620.80	ann (P-14797/88; A-1758)	670.50	ann (P-5052)
620.90	ann (P-14797/88; A-1758)	670.55	ann (P-5052)
630.20	ann (P-4987/88; A-4164)	670.60	ann (P-5052)
630.40	ann (P-4987/88; A-4164)	690.30	ann (P-2641)
		710.10	ann (P-2093/88; A-5000)
		710.20	ann (P-2093/88; A-5000; O-5790)
		710.50	ann (P-2090/88; A-5000)
110.45	ann (P-20363/88; A-3785)	720.10	ann (P-4435)
110.60	ann (P-20363/88; A-3785)	720.20	ann (P-4435)
110.70	ann (P-20363/88; A-3785)	720.40	ann (P-4435)
110.90	ann (P-20363/88; A-3785)	730.20	ann (P-2699)
110.120	ann (P-20363/88; A-3785)	730.30	ann (P-2699)
110.150	ann (P-20363/88; A-3785)	740.10	ann (P-4458)
110.180	ann (P-20363/88; A-3785)	740.20	ann (P-4458)
220.10	n (P-731)	810.30	ann (P-1600)
220.20	n (P-731)	810.40	ann (P-1600)
220.30	n (P-731)	810.70	ann (P-1600)
220.40	n (P-731)	870.10	r (P-1264)
220.50	n (P-731)	870.10	n (P-1211)
220.60	n (P-731)	870.15	r (P-1264)
220.70	n (P-731)	870.20	r (P-1264)
220.80	n (P-731)	870.20	n (P-1211)
220.90	n (P-731)	870.30	n (P-1211)
230.10	n (P-4440)	870.40	r (P-1264)
230.20	n (P-4440)	870.40	n (P-1211)
230.30	n (P-4440)	870.50	n (P-1211)
230.40	n (P-4440)	870.60	n (P-1211)
230.50	n (P-4440)	870.70	n (P-1211)
510.10	ann (P-3268)	930.45	ann (P-1262)
530.20	ann (P-4399)	1010.25	ann (P-2012/88; A-1190)
530.70	ann (P-4399)	1010.40	ann (P-2012/88; A-1190)
530.80	ann (P-4399)	1080.20	ann (P-2013/88; A-1550)
530.90	ann (P-4399)	1080.25	ann (P-2013/88; A-1550)
530.100	ann (P-4399)	1080.40	ann (P-2013/88; A-1550)
530.105	ann (P-4399)	1080.40	ann (P-2013/88; A-1550)
530.110	ann (P-4399)	1360.10	n (P-2626)
550.30	ann (P-1271)	1360.20	n (P-2626)
570.40	ann (P-4087/88; A-1204/88; O-3468)	1360.40	n (P-2626)
570.20	ann (P-2642)	1360.40	n (P-2626)
570.40	ann (P-2642)	1360.60	n (P-2626)
570.40	ann (P-2642)		



## ILLINOIS REGISTER

## SECTIONS AFFECTED INDEX

THRU APRIL 28, 1989

VOL. 13, THRU ISSUE #17

## TITLE 17 (CONT'D)

1560.70	n	(P-2626)
1560.80	n	(P-2626)
1560.90	n	(P-2626)
1590.110	am	(P-2622)
1590.120	am	(P-2622)
2030.20	am	(P-4417)
2030.30	am	(P-4417)
2030.40	am	(P-4417)
2030.50	am	(P-4417)
2030.60	n	(E-2878) (P-4417)

## TITLE 20

107.170	r	(P-979)
502.40	am	(P-3528)
1295.10	n	(P-17064/88; A-1856)
1295.20	n	(P-17064/88; A-1856)
1295.30	n	(P-17064/88; A-1856)
1295.40	n	(P-17064/88; RC-1270; A-1856)
1295.50	n	(P-17064/88; RC-1270; A-1856)
1295.60	n	(P-17064/88; RC-1270; A-1856)
1295.70	n	(P-17064/88; A-1856)
1295.80	n	(P-17064/88; A-1856)
1520.10	am	(P-1317; A-5926) (E-1605)
1520.46	n	(P-1317; A-5926) (E-1605)
1520.50	am	(P-1317; A-5926) (E-1605)
1610.70	am	(P-4774/88; A-3063)

## TITLE 23

120.130	n	(P-19266/88; O-3416)
227.10	am	(P-4097)
227.12	n	(P-4097)
227.14	n	(P-4097)
227.16	n	(P-4097)
227.18	n	(P-4097)
227.30	am	(P-4097)
227.40	am	(P-4097)
230.10	am	(P-12747/88; A-1535)
230.30	am	(P-12747/88; A-1535)
230.60	am	(P-12747/88; A-1535)
275.90	am	(P-12745/88; A-1532)
500.20	am	(P-1730)
500.50	am	(P-1730)
500.120	n	(P-1730)
1501.307	am	(P-4087)
1501.309	am	(P-4087)
1501.501	am	(P-3517)
1501.503	am	(P-3517)
1501.508	am	(P-3517)
1501.509	am	(P-16313/88; A-1182)
1501.517	am	(P-4394)
1720.40	am	(P-18114/88; RC-5805)
1720.60	am	(P-18114/88; RC-5805)
1720.75	r	(P-18114/88; RC-5805)
1720.140	r	(P-15047/88; A-2872)
1720.40	r	(P-15047/88; A-2872)
2310.80	am	(P-1319)

## TITLE 32

332.10	n	(P-5874)
332.20	n	(P-5874)
332.30	n	(P-5874)
332.40	n	(P-5874)
332.50	n	(P-5874)
332.60	n	(P-5874)
332.70	n	(P-5874)
332.80	n	(P-5874)

## TITLE 23 (CONT'D)

3030.60	r	(P-12180/88; A-1244)
3030.105	am	(P-12180/88; A-1244)
3300.10	n	(P-14809/88; O-3440; R-4957; A-4672)
3300.20	n	(P-14809/88; O-3440; R-4957; A-4672)
3300.30	n	(P-14809/88; O-3440; R-4957; A-4672)
3300.40	n	(P-14809/88; O-3440; R-4957; A-4672)
3300.50	n	(P-14809/88; O-3440; R-4957; A-4672)
3300.60	n	(P-14809/88; O-3440; R-4957; A-4672)
3300.70	n	(P-14809/88; O-3440; R-4957; A-4672)
3300.80	n	(P-14809/88; O-3440; R-4957; A-4672)

## TITLE 26

201.50	n	(P-5322)
202.60	n	(P-5339)
207.70	am	(P-5327)
207.80	am	(P-5327)
207.90	am	(P-5327)
207.110	am	(P-5327)
207.40	B	(P-5327)
208.20	n	(P-5317)

## TITLE 29

430.10	r	(P-17585/88; A-2049)
430.15	n	(P-17575/88; A-2040)
430.20	r	(P-17585/88; A-2049)
430.20	n	(P-17575/88; A-2040)
430.30	r	(P-17585/88; A-2049)
430.30	n	(P-17575/88; A-2040)
430.40	r	(P-17585/88; A-2049)
430.40	n	(P-17575/88; A-2040)
430.50	r	(P-17585/88; A-2049)
430.50	n	(P-17575/88; A-2040)
430.60	r	(P-17585/88; A-2049)
430.60	n	(P-17575/88; A-2040)
430.70	r	(P-17585/88; A-2049)
430.70	n	(P-17575/88; A-2040)
430.80	n	(P-17575/88; A-2040)

## TITLE 35

201.281	am	(P-5154/88; O-29221/88; R-1624; A-2066)
201.401	n	(P-5154/88; O-29221/88; R-1624; A-2066)
201.402	n	(P-5154/88; O-29221/88; R-1624; A-2066)
201.403	n	(P-5154/88; O-29221/88; R-1624; A-2066)

## ILLINOIS REGISTER

## SECTIONS AFFECTED INDEX

THRU APRIL 28, 1989

VOL. 13, THRU ISSUE #17

## TITLE 32 (CONT'D)

332.90	n	(P-5874)
332.100	n	(P-5874)
332.110	n	(P-5874)
332.120	n	(P-5874)
332.130	n	(P-5874)
332.140	n	(P-5874)
332.150	n	(P-5874)
332.160	n	(P-5874)
332.170	n	(P-5874)
332.180	n	(P-5874)
332.190	n	(P-5874)
332.200	n	(P-5874)
332.210	n	(P-5874)
332.220	n	(P-5874)
332.230	n	(P-5874)
332.240	n	(P-5874)
332.250	n	(P-5874)
332.260	n	(P-5874)
332.270	n	(P-5874)
332.280	n	(P-5874)
332.290	n	(P-5874)
360.10	am	(P-13858/88; A-803)
360.20	am	(P-13858/88; A-803)
360.30	am	(P-13858/88; A-803)
360.40	am	(P-13858/88; A-803)
360.50	am	(P-13858/88; A-803)
360.60	am	(P-13858/88; A-803)
360.70	am	(P-13858/88; A-803)
360.80	am	(P-13858/88; A-803)
360.90	am	(P-13858/88; A-803)
360.100	am	(P-13858/88; A-803)
360.40	A	(P-13858/88; A-803)
360.70	A	(P-13858/88; A-803)
360.70	B	(P-13858/88; A-803)
360.70	C	(P-13858/88; A-803)
401.170	am	(P-982)
410.10	am	(P-13841/88; A-342)
410.20	am	(P-13841/88; A-342)
410.30	am	(P-13841/88; A-342)
410.40	am	(P-13841/88; A-342)
410.50	am	(P-13841/88; A-342)
410.60	am	(P-13841/88; A-342)
410.70	am	(P-13841/88; A-342)
410.80	am	(P-13841/88; A-342)
410.11	A	(P-13841/88; A-342)
410.11	B	(P-13841/88; A-342)

## TITLE 35 (CONT'D)

201.404	n	(P-5154/88; O-29221/88; R-1624; A-2066)
201.405	n	(P-5154/88; O-29221/88; R-1624; A-2066)
201.406	n	(P-5154/88; O-29221/88; R-1624; A-2066)
201.407	n	(P-5154/88; O-29221/88; R-1624; A-2066)
201.408	n	(P-5154/88; O-29221/88; R-1624; A-2066)
211.101	am	(P-19296/88; W-2537)
211.102	am	(P-19296/88; W-2537)
243.108	am	(P-19290/88; W-2536)
243.120	n	(P-19290/88; W-2536)
251.103	am	(E-955)
251.201	n	(E-955)
251.202	n	(E-955)
251.203	am	(E-955)
251.208	am	(E-955)
251.210	am	(E-955)
251.212	r	(E-955)
251.215	am	(E-955)
251.301	am	(E-955)
301.200	am	(P-15823/88; A-5984)
301.260	am	(P-15823/88; A-5984)
301.365	am	(P-15823/88; A-5984)
301.430	am	(P-15823/88; A-5984)
302.211	am	(P-15844/88; A-5998)
302.304	am	(P-15844/88; A-5998)
302.504	am	(P-15844/88; A-5998)
302.507	am	(P-15844/88; A-5998)
302.509	am	(P-15844/88; A-5998)
304.104	am	(P-15815/88; A-5976)
304.124	am	(P-15815/88; A-5976)
304.140	r	(P-15815/88; A-5976)
304.220	n	(P-11397/88; A-2060)
304.302	n	(P-11669/88; A-851)
305.102	am	(P-15839/88; A-5989)
307.1508	am	(P-16396/88; A-1794)
307.1704	am	(P-16396/88; A-1794)
307.2101	am	(P-16396/88; A-1794)
307.2903	am	(P-16396/88; A-1794)
307.3110	am	(P-16396/88; A-1794)
307.3129	am	(P-16396/88; A-1794)
307.3500	am	(P-16396/88; A-1794)
307.3501	am	(P-16396/88; A-1794)
307.3503	am	(P-16396/88; A-1794)
307.3509	am	(P-16396/88; A-1794)
307.3590	n	(P-16396/88; A-1794)
307.4004	am	(P-16396/88; A-1794)
307.8100	am	(P-16396/88; A-1794)
309.281	am	(P-15893/88; A-5993)
310.107	am	(P-16384/88; A-2463)
310.110	am	(P-16384/88; A-2463)
365.503	n	(P-18030/88; RC-5798)
378.101	n	(P-12753/88; A-1190)

SAI - 4

SAI - 5



TITLE 35 (CONT'D)			TITLE 38 (CONT'D)			TITLE 41 (CONT'D)		
378.102	n	(P-12753/88; A-1190)	400.1060	am	(P-1985)	180.10	am	(E-1875; O-5807)
378.103	n	(P-12753/88; A-1190)	400.1110	am	(P-1985)	180.10	am	(P-1754) (E-1875)
378.201	n	(P-12753/88; A-1190)	400.1120	am	(P-1985)	180.20	am	(E-1875; O-5807)
378.202	n	(P-12753/88; A-1190)	400.1140	r	(P-1985)	180.20	am	(P-1754) (E-1875)
378.203	n	(P-12753/88; A-1190)	400.1530	am	(P-1985)	180.25	n	(E-1875; O-5807)
378.204	n	(P-12753/88; A-1190)	400.1550	am	(P-1985)	180.25	n	(P-1754) (E-1875)
378.301	n	(P-12753/88; A-1190)	400.2010	am	(P-1985)			
378.302	n	(P-12753/88; A-1190)	400.2055	n	(P-1985)			
378.Ap. A	n	(P-12753/88; A-1190)	400.2500	am	(P-1985)			
378.Ap. B	n	(P-12753/88; A-1190)	400.2510	am	(P-1985)			
378.Ap. C	n	(P-12753/88; A-1190)	400.2520	am	(P-1985)			
378.Ap. D	n	(P-12753/88; A-1190)	400.2700	n	(P-1985)			
378.Ap. E	n	(P-12753/88; A-1190)	400.2710	n	(P-1985)			
601.105	am	(P-262)						
604.203	am	(P-255)						
605.104	am	(P-269; C-2539)						
661.302	am	(P-1738)						
703.123	am	(P-15444/88; A-447)						
704.143	am	(P-17167/88; A-478)						
720.110	am	(P-15327/88; A-362)						
720.111	am	(P-15327/88; A-362)						
721.104	am	(P-15347/88; A-382)						
721.105	am	(P-15347/88; A-382)						
721.133	am	(P-15347/88; A-382)						
721.Ap. H	am	(P-15347/88; A-382)						
722.110	am	(P-15449/88; A-452)						
722.151	am	(P-15449/88; A-452)						
724.101	am	(P-15455/88; A-458)						
724.Ap. I	am	(P-15455/88; A-458)						
725.101	am	(P-15402/88; A-437)						
731.101	r	(P-2650)						
731.102	r	(P-2650)						
731.103	r	(P-2650)						
731.110	n	(P-2650)						
731.111	n	(P-2650)						
731.112	n	(P-2650)						
731.113	n	(P-2650)						
731.114	n	(P-2650)						
731.120	n	(P-2650)						
731.121	n	(P-2650)						
731.122	n	(P-2650)						
731.130	n	(P-2650)						
731.131	n	(P-2650)						
731.132	n	(P-2650)						
731.133	n	(P-2650)						
731.134	n	(P-2650)						
731.140	n	(P-2650)						
731.141	n	(P-2650)						
731.142	n	(P-2650)						
731.143	n	(P-2650)						
731.144	n	(P-2650)						
731.145	n	(P-2650)						
731.150	n	(P-2650)						
731.151	n	(P-2650)						
731.152	n	(P-2650)						
731.153	n	(P-2650)						

TITLE 35 (CONT'D)			TITLE 38 (CONT'D)			TITLE 41 (CONT'D)		
731.160	n	(P-2650)	400.1060	am	(P-1985)	180.10	am	(E-1875; O-5807)
731.161	n	(P-2650)	400.1110	am	(P-1985)	180.10	am	(P-1754) (E-1875)
731.162	n	(P-2650)	400.1120	am	(P-1985)	180.20	am	(E-1875; O-5807)
731.163	n	(P-2650)	400.1140	r	(P-1985)	180.20	am	(P-1754) (E-1875)
731.164	n	(P-2650)	400.1530	am	(P-1985)	180.25	n	(E-1875; O-5807)
731.165	n	(P-2650)	400.1550	am	(P-1985)	180.25	n	(P-1754) (E-1875)
731.166	n	(P-2650)	400.2010	am	(P-1985)			
731.167	n	(P-2650)	400.2055	n	(P-1985)			
731.170	n	(P-2650)	400.2500	am	(P-1985)			
731.171	n	(P-2650)	400.2510	am	(P-1985)			
731.172	n	(P-2650)	400.2520	am	(P-1985)			
731.173	n	(P-2650)	400.2700	n	(P-1985)			
731.174	n	(P-2650)	400.2710	n	(P-1985)			
731.900	r	(P-2650)						
731.901	r	(P-2650)						
858.204	re	(A-5945)						
858.205	re	(A-5945)						
858.207	re	(A-5945)						
858.208	re	(A-5945)						
858.304	re	(A-5945)						
858.305	re	(A-5945)						
858.306	re	(A-5945)						
858.308	re	(A-5945)						
858.309	re	(A-5945)						
858.310	re	(A-5945)						

TITLE 35 (CONT'D)			TITLE 38 (CONT'D)			TITLE 41 (CONT'D)		
190.10	am	(P-14097/88; O-22489/88; R-966; A-3793)	100.110	n	(E-582) (P-1323)	180.10	am	(E-1875; O-5807)
190.50	am	(P-14097/88; O-22489/88; R-966; A-3793)	170.10	am	(P-1756) (E-1886)	180.10	am	(P-1754) (E-1875)
190.70	am	(P-14097/88; O-22489/88; R-966; A-3793)	170.71	n	(P-1756) (E-1886)	180.20	am	(E-1875; O-5807)
190.140	am	(P-14097/88; O-22489/88; R-966; A-3793)	170.72	n	(P-1756) (E-1886)	180.20	am	(P-1754) (E-1875)
190.160	am	(P-14097/88; O-22489/88; R-966; A-3793)	170.73	n	(P-1756) (E-1886)	180.25	n	(E-1875; O-5807)
190.165	n	(P-14097/88; O-22489/88; R-966; A-3793)	170.75	am	(A-5669)	180.25	n	(P-1754) (E-1875)
190.180	am	(P-14097/88; O-22489/88; R-966; A-3793)	170.75	am	(P-1756) (E-1886)			
303.10	n	(P-2889)	170.106	n	(P-1756) (E-1886)			
303.20	n	(P-2889)	170.107	n	(P-1756) (E-1886)			
400.110	am	(P-1985)	170.108	n	(P-1756) (E-1886)			
400.120	am	(P-1985)	170.400	n	(A-5669)			
400.130	am	(P-1985)	170.410	n	(A-5669)			
400.140	r	(P-1985)	170.420	n	(A-5669)			
400.141	am	(P-1985)	170.430	n	(A-5669)			
400.142	am	(P-1985)	170.440	n	(A-5669)			
400.150	am	(P-1985)	170.450	n	(A-5669)			
400.440	am	(P-1985)	170.460	n	(A-5669)			
400.510	am	(P-1985)	170.470	n	(A-5669)			
400.615	am	(P-1985)	170.480	n	(A-5669)			
400.665	am	(P-1985)	170.490	n	(A-5669)			
400.675	r	(P-1985)	170.500	n	(A-5669)			
400.710	am	(P-1985)	170.510	n	(A-5669)			
400.1020	am	(P-1985)	170.520	n	(A-5669)			
400.1030	am	(P-1985)	170.530	n	(A-5669)			

TITLE 35 (CONT'D)			TITLE 38 (CONT'D)			TITLE 41 (CONT'D)		
731.160	n	(P-2650)	400.1060	am	(P-1985)	180.10	am	(E-1875; O-5807)
731.161	n	(P-2650)	400.1110	am	(P-1985)	180.10	am	(P-1754) (E-1875)
731.162	n	(P-2650)	400.1120	am	(P-1985)	180.20	am	(E-1875; O-5807)
731.163	n	(P-2650)	400.1140	r	(P-1985)	180.20	am	(P-1754) (E-1875)
731.164	n	(P-2650)	400.1530	am	(P-1985)	180.25	n	(E-1875; O-5807)
731.165	n	(P-2650)	400.1550	am	(P-1985)	180.25	n	(P-1754) (E-1875)
731.166	n	(P-2650)	400.2010	am	(P-1985)			
731.167	n	(P-2650)	400.2055	n	(P-1985)			
731.170	n	(P-2650)	400.2500	am	(P-1985)			
731.171	n	(P-2650)	400.2510	am	(P-1985)			
731.172	n	(P-2650)	400.2520	am	(P-1985)			
731.173	n	(P-2650)	400.2700	n	(P-1985)			
731.174	n	(P-2650)	400.2710	n	(P-1985)			
731.900	r	(P-2650)						
731.901	r	(P-2650)						
858.204	re	(A-5945)						
858.205	re	(A-5945)						
858.207	re	(A-5945)						
858.208	re	(A-5945)						
858.304	re	(A-5945)						
858.305	re	(A-5945)						
858.306	re	(A-5945)						
858.308	re	(A-5945)						
858.309	re	(A-5945)						
858.310	re	(A-5945)						



TITLE 44 (CONT'D)

530.100	am	(P-2648)
530.110	am	(P-2648)
530.200	#	(P-2648)
530.300	am	(P-2648)
530.310	r	(P-2648)
530.320	am	(P-2648)
530.330	am	(P-2648)
530.340	am	(P-2648)
530.350	am	(P-2648)
530.400	am	(P-2648)
530.410	am	(P-2648)
530.500	am	(P-2648)
530.510	am	(P-2648)
530.520	am	(P-2648)
530.530	am	(P-2648)
530.540	n	(P-2648)
530.600	am	(P-2648)
530.610	am	(P-2648)
530.620	am	(P-2648)
530.630	am	(P-2648)
530.640	am	(P-2648)
530.650	am	(P-2648)
530.660	am	(P-2648)
530.670	am	(P-2648)
530.700	am	(P-2648)
530.710	am	(P-2648)
530.720	am	(P-2648)
535.5	r	(P-2766)
535.10	am	(P-2766)
535.20	am	(P-2766)
535.30	n	(P-2766)
535.60	n	(P-2766)
535.70	#	(P-2766)
535.70	am	(P-2766)
535.100	am	(P-2766)
535.110	am	(P-2766)
535.200	#	(P-2766)
535.300	am	(P-2766)
535.310	r	(P-2766)
535.320	am	(P-2766)
535.330	am	(P-2766)
535.340	am	(P-2766)
535.350	am	(P-2766)
535.400	am	(P-2766)
535.410	am	(P-2766)
535.500	am	(P-2766)
535.510	am	(P-2766)
535.520	am	(P-2766)
535.530	am	(P-2766)
535.540	n	(P-2766)
535.600	am	(P-2766)
535.610	am	(P-2766)
535.620	am	(P-2766)
535.630	am	(P-2766)
535.640	am	(P-2766)
535.650	am	(P-2766)

TITLE 47

1.35	n	(P-5002)
1.60	am	(P-5002)
1.70	am	(P-5002)
1.85	n	(P-5002)
1.100	am	(P-5002)
1.105	n	(P-5002)
1.110	am	(P-5002)
1.130	am	(P-5002)
1.160	n	(P-5002)
1.170	n	(P-5002)
1.175	n	(P-5002)
1.180	n	(P-5002)

TITLE 47 (CONT'D)

1.185	n	(P-5002)
1.190	n	(P-5002)
1.195	n	(P-5002)
100.70	am	(P-1930)
100.85	am	(P-1930)
100.90	am	(P-1930)
100.110	am	(P-1930)
100.120	am	(P-1930)
120.80	am	(P-1311)
120.100	am	(P-1311)
120.110	am	(P-8521/88; A-779)
120.115	n	(P-8521/88; A-779)
120.115	am	(P-4075)
160.80	am	(P-9271/88; A-2024)
350.202	am	(P-15265/88; A-5947)

TITLE 50

201.20	am	(P-2909)
201.30	am	(P-2909)
201.50	am	(P-2909)
201.60	am	(P-2909)
301.30	am	(P-2901)
301.60	am	(P-2901)
301.70	am	(P-2901)
401.30	am	(P-2905)
401.60	am	(P-2905)
401.70	am	(P-2905)
601.10	n	(P-11985/88; A-2051)
601.20	n	(P-11985/88; A-2051)
601.30	n	(P-11985/88; A-2051)
601.40	n	(P-11985/88; A-2051)
601.50	n	(P-11985/88; A-2051)
601.60	n	(P-11985/88; A-2051)
601.70	n	(P-11985/88; A-2051)
601.80	n	(P-11985/88; A-2051)
601.90	n	(P-11985/88; A-2051)
601.100	n	(P-11985/88; A-2051)
601.110	n	(P-11985/88; A-2051)
601.120	n	(P-11985/88; A-2051)
601.130	n	(P-11985/88; A-2051)
601.140	n	(P-11985/88; A-2051)
754.Ex. B	am	(P-2057/88; A-1542)
919.10	am	(P-13535/88; C-17456/88; A-1204)
919.20	am	(P-13535/88; C-17456/88; A-1204)
919.30	am	(P-13535/88; C-17456/88; A-1204)
919.40	am	(P-13535/88; C-17456/88; A-1204)
919.50	am	(P-13535/88; C-17456/88; A-1204)
919.60	am	(P-13535/88; C-17456/88; A-1204)
919.70	am	(P-13535/88; C-17456/88; A-1204)
919.80	am	(P-13535/88; C-17456/88; A-1204)
919.90	am	(P-13535/88; C-17456/88; A-1204)
919.Ex. A	n	(P-251) (E-586; O-3471)
2008.10	am	(P-251) (E-586; O-3471)
2008.20	am	(P-251) (E-586; O-3471)
2008.30	am	(P-251) (E-586; O-3471)
2008.40	am	(P-251) (E-586; O-3471)

TITLE 56

350.20	am	(P-15272/88; W-6819) (P-5839)
350.280	am	(P-15272/88; W-6819) (P-5839)
350.300	n	(P-15272/88; W-6819) (P-5839)
350.310	n	(P-15272/88; W-6819) (P-5839)
350.320	n	(P-15272/88; W-6819) (P-5839)
350.330	n	(P-15272/88; W-6819) (P-5839)
350.340	n	(P-15272/88; W-6819) (P-5839)
350.350	n	(P-15272/88; W-6819) (P-5839)
350.360	n	(P-15272/88; W-6819) (P-5839)
350.370	n	(P-15272/88; W-6819) (P-5839)
350.380	n	(P-15272/88; W-6819) (P-5839)
350.400	n	(P-15272/88; W-6819) (P-5839)
350.410	n	(P-15272/88; W-6819) (P-5839)
350.420	n	(P-15272/88; W-6819) (P-5839)
350.430	n	(P-15272/88; W-6819) (P-5839)
350.440	n	(P-15272/88; W-6819) (P-5839)
350.450	n	(P-15272/88; W-6819) (P-5839)
2090.105	am	(P-17)
2600.20	am	(P-3515) (E-4028) (P-4331)
2600.30	am	(P-3515) (E-4028)
2610.60	am	(P-5017)



TITLE 56 (CONT'D)			TITLE 68 (CONT'D)			TITLE 68 (CONT'D)			TITLE 68 (CONT'D)		
2610.100	am	(P-4366)	600.60	am	(P-19795/88; A-3665)	1280.110	r	(P-8536/88; A-513)	1465.70	n	(P-1388)
2610.130	am	(P-4366)	600.80	am	(P-19795/88; A-3665)	1285.20	am	(P-274) (E-651; O-3475)	1465.90	n	(P-1388)
2610.140	am	(P-5017)	600.90	n	(P-19795/88; A-3665)	1285.20	n	(P-8571/88; A-483)	1470.5	n	(P-5426) (E-5771)
2625.20	n	(P-3513) (E-4019)	600.100	n	(P-19795/88; A-3665)	1285.30	n	(P-8571/88; A-483)	1470.7	n	(P-5426) (E-5771)
2625.30	n	(P-3513) (E-4019)	600.110	n	(P-19795/88; A-3665)	1285.40	n	(P-8571/88; A-483)	1470.10	am	(P-5771)
2625.40	n	(P-3513) (E-4019)	610.10	am	(P-19205/88; A-3690)	1285.50	am	(P-274) (E-651)	1470.10	r	(P-5426)
2625.50	n	(P-3513) (E-4019)	610.20	am	(P-19205/88; A-3690)	1285.50	n	(P-8571/88; A-483)	1470.10	n	(P-5426)
2712.201	n	(P-15257/88; O-22482/88; R-965; A-795)	610.30	am	(P-19205/88; A-3690)	1285.60	n	(P-8571/88; A-483)	1470.20	n	(P-5771)
2712.202	n	(P-15257/88; O-22482/88; R-965; A-795)	610.40	am	(P-19205/88; A-3690)	1285.70	am	(P-274) (E-651)	1470.20	n	(P-5771)
2712.203	n	(P-15257/88; O-22482/88; R-965; A-795)	1175.425	am	(E-6810)	1285.70	n	(P-8571/88; A-483)	1470.20	am	(P-5426)
2712.205	n	(P-15257/88; O-22482/88; R-965; A-795)	1175.600	am	(E-6810)	1285.80	n	(P-8571/88; A-483)	1470.30	am	(P-5771) (P-5426)
2712.207	n	(P-15257/88; O-22482/88; R-965; A-795)	1220.110	am	(P-5867/88; A-4191)	1285.90	am	(P-274) (E-651)	1470.40	r	(P-5426)
2712.210	n	(P-15257/88; O-22482/88; R-965; A-795)	1220.120	am	(P-5867/88; A-4191)	1285.90	n	(P-8571/88; A-483)	1470.50	r	(P-5426)
2720.1	am	(P-5362)	1220.130	am	(P-5867/88; A-4191)	1285.95	n	(P-274) (E-651)	1470.60	r	(P-5426)
2720.130	am	(P-5362)	1220.140	am	(P-5398)	1285.100	n	(P-8571/88; A-483)	1470.60	n	(P-5426)
2720.132	am	(P-5362)	1220.150	r	(P-5867/88; A-4191)	1285.110	n	(P-8571/88; A-483)	1470.70	am	(P-5771)
2725.20	am	(P-5344)	1220.160	n	(P-5867/88; A-4191)	1285.120	n	(P-8571/88; A-483)	1470.70	am	(P-5426)
2725.100	am	(P-5344)	1220.220	am	(P-5867/88; A-4191)	1285.130	n	(P-8571/88; A-483)	1470.80	am	(P-5426)
2725.120	am	(P-5344)	1220.230	am	(P-5867/88; A-4191)	1285.140	n	(P-8571/88; A-483)	1470.90	am	(P-5426)
2725.250	am	(P-5344)	1220.240	am	(P-5867/88; A-4191)	1360.10	r	(P-14963/88; A-4234)	1470.100	am	(P-5426)
2725.270	am	(P-5344)	1220.260	n	(P-5867/88; A-4191)	1360.20	am	(P-14963/88; A-4234)	1480.20	am	(P-5781) (P-5424)
2732.210	n	(P-1945)	1220.340	r	(P-5867/88; A-4191)	1360.30	am	(P-14963/88; A-4234)	1500.10	am	(P-18100/88; A-3826)
2765.205	n	(P-752)	1220.350	n	(P-5867/88; A-4191)	1360.40	am	(P-14963/88; A-4234)	1500.11	am	(P-18100/88; A-3826)
2765.325	n	(P-5375)	1220.400	n	(P-5867/88; A-4191)	1360.45	n	(P-14963/88; A-4234)			
2765.328	n	(P-5375)	1220.410	r	(P-5867/88; A-4191)	1360.50	am	(P-14963/88; A-4234)			







[illegible]











TITLE 77 (CONT'D)		TITLE 77 (CONT'D)		TITLE 77 (CONT'D)		TITLE 77 (CONT'D)	
490.520	n	(P-2974)	540.80	am	(P-4616)	725.20	n
490.610	n	(P-2974)	540.90	am	(P-4616)	725.30	r
490.620	n	(P-2974)	540.160	am	(P-4616)	725.30	r
490.710	n	(P-2974)	540.190	am	(P-4616)	725.40	r
490.720	n	(P-2974)	542.10	n	(P-4544/88; A-3086)	725.40	n
490.730	n	(P-2974)	542.20	n	(P-4544/88; A-3086)	725.40	n
490.740	n	(P-2974)	542.30	n	(P-4544/88; A-3086)	725.41	n
490.750	n	(P-2974)	542.40	n	(P-4544/88; A-3086)	725.42	n
490.760	n	(P-2974)	542.50	n	(P-4544/88; A-3086)	725.43	n
490.770	n	(P-2974)	542.60	n	(P-4544/88; A-3086)	725.44	n
490.780	n	(P-2974)	542.70	n	(P-4544/88; A-3086)	725.45	r
490.810	n	(P-2974)	542.80	n	(P-4544/88; A-3086)	725.50	r
490.820	n	(P-2974)	542.90	n	(P-4544/88; A-3086)	725.50	n
490.830	n	(P-2974)	542.100	n	(P-4544/88; A-3086)	725.51	r
490.840	n	(P-2974)	635.20	am	(P-5505)	725.60	r
490.910	n	(P-2974)	635.30	am	(P-5505)	725.60	n
535.10	am	(P-4500)	635.35	n	(P-5505)	725.65	r
535.20	am	(P-4126; P-4500)	635.40	am	(P-5505)	725.70	r
535.150	am	(P-4126)	635.50	am	(P-5505)	725.70	n
535.200	am	(P-4126)	635.60	am	(P-5505)	725.71	n
535.240	am	(P-4126)	635.70	am	(P-5505)	725.80	r
535.400	am	(P-4126)	635.80	am	(P-5505)	725.80	n
535.410	am	(P-4126)	635.90	am	(P-5505)	750.10	am
535.420	am	(P-4126)	635.110	am	(P-5505)	750.140	am
535.430	am	(P-4126)	635.130	am	(P-5505)	760.20	am
535.800	n	(P-4126)	635.140	am	(P-5505)	760.150	am
535.810	n	(P-4126)	635.150	am	(P-5505)	790.420	am
535.820	n	(P-4126)	635.160	am	(P-5505)	790.460	am
535.830	n	(P-4126)	635.170	am	(P-5505)	790.500	am
535.840	n	(P-4126)	635.180	am	(P-5505)	790.540	am
535.850	n	(P-4126)	635.190	n	(P-5505)	790.580	am
535.860	n	(P-4126)	635.200	n	(P-5505)	790.600	am
535.870	n	(P-4126)	635.210	am	(P-5505)	790.620	am
535.900	n	(P-4500)	635.220	am	(P-5505)	790.630	am
535.910	n	(P-4500)	661.10	am	(P-3599)	790.630	am
535.920	n	(P-4500)	661.15	am	(P-3599)	790.799	am
535.930	n	(P-4500)	661.20	am	(P-3599)	790.799	am
535.931	n	(P-4500)	661.30	am	(P-3599)	790.799	am
535.932	n	(P-4500)	661.35	am	(P-3599)	790.860	am
535.933	n	(P-4500)	661.40	am	(P-3599)	790.900	am
535.934	n	(P-4500)	661.50	am	(P-3599)	790.905	am
535.935	n	(P-4500)	694.10	n	(P-5491)	790.910	am
535.936	n	(P-4500)	694.20	n	(P-5491)	790.910	am
535.940	n	(P-4500)	694.100	n	(P-5491)	790.940	am
535.941	n	(P-4500)	694.110	n	(P-5491)	790.974	am
535.942	n	(P-4500)	694.120	n	(P-5491)	790.980	am
535.943	n	(P-4500)	694.200	n	(P-5491)	790.1060	am
535.950	n	(P-4500)	694.210	n	(P-5491)	790.1100	r
535.951	n	(P-4500)	694.220	n	(P-5491)	790.1125	n
535.952	n	(P-4500)	694.230	n	(P-5491)	790.1125	am
535.953	n	(P-4500)	694.240	n	(P-5491)	790.1127	am
540.10	am	(P-4616)	694.250	n	(P-5491)	790.1129	n
540.30	am	(P-4616)	694.260	n	(P-5491)	790.1129	am
540.40	am	(P-4616)	694.270	n	(P-5491)	790.1131	n
540.50	am	(P-4616)	694.280	n	(P-5491)		
540.70	am	(P-4616)					



TITLE 77 (CONT'D)		TITLE 77 (CONT'D)		TITLE 77 (CONT'D)		TITLE 77 (CONT'D)	
790.2904	am (P-16425/88; A-856) (P-3015) (E-3108)	790.4660	am (P-16425/88; A-856) (P-3015) (E-3108)	790.6275	am (P-12991/88; P-16425/88; A-856) (P-3015) (E-3108)	790.8380	am (P-16425/88; A-856) (P-3015) (E-3108)
790.2928	r (P-16425/88; A-856)	790.4670	am (P-12991/88; A-856) (P-3015) (E-3108)	790.6280	am (P-16425/88; A-856)	790.8420	am (P-16425/88; A-856) (P-3015)
790.2928	n (P-12991/88; A-856)	790.4680	am (P-12991/88; A-856)	790.6284	am (P-16425/88; A-856)	790.8580	am (P-16425/88; A-856) (E-3108)
790.2932	am (P-16425/88; A-856)	790.4720	am (P-12991/88; P-16425/88; A-856) (P-3015) (E-3108)	790.6370	am (P-12991/88; A-856) (P-3015) (E-3108)	790.8700	am (P-16425/88; A-856) (P-3015)
790.2940	am (P-3015) (E-3108)	790.4740	am (P-12991/88; P-16425/88; A-856) (P-3015) (E-3108)	790.6370	am (P-12991/88; A-856) (P-3015) (E-3108)		
790.3020	am (P-16425/88; A-856)	790.4820	am (P-16425/88; A-856)	790.6375	n (P-16425/88; A-856)		
790.3023	am (P-3015) (E-3108)	790.4960	n (P-16425/88; A-856)	790.6445	am (P-16425/88; A-856)	790.8724	am (P-3015) (E-3108)
790.3027	am (P-16425/88; A-856)	790.5060	am (P-16425/88; A-856)	790.6452	am (P-16425/88; A-856)	790.8740	am (P-3015) (E-3108)
790.3028	am (P-3015) (E-3108)	790.5140	am (P-12991/88; P-16425/88; A-856) (P-3015) (E-3108)	790.6454	n (P-16425/88; A-856)	790.8900	am (P-16425/88; A-856) (P-3015)
790.3054	am (P-3015) (E-3108)	790.5180	am (P-16425/88; A-856)	790.6456	am (P-12991/88; P-16425/88; A-856) (P-3015) (E-3108)		
790.3085	am (P-16425/88; A-856)	790.5220	am (P-12991/88; A-856) (P-3015) (E-3108)	790.6540	am (P-16425/88; A-856)	790.8940	am (P-16425/88; A-856) (P-3015)
790.3100	am (P-16425/88; A-856)	790.5300	am (P-16425/88; A-856)	790.6580	am (P-16425/88; A-856)	790.9020	am (P-12991/88; A-856) (P-3015)
790.3300	am (P-16425/88; A-856) (P-3015)	790.5312	am (P-12991/88; A-856) (P-3015) (E-3108)	790.6621	n (P-16425/88; A-856)	790.9060	am (P-12991/88; P-16425/88; A-856) (P-3015) (E-3108)
		790.5420	am (P-16425/88; A-856) (P-3015) (E-3108)	790.6670	am (P-16425/88; A-856)	790.9084	am (P-12991/88; A-856) (P-3015)
790.3315	am (P-3015) (E-3108)	790.5483	am (P-12991/88; P-16425/88; A-856) (P-3015) (E-3108)	790.6740	am (P-16425/88; A-856)	790.9100	am (P-3015) (E-3108)
790.3335	am (P-16425/88; A-856)	790.5520	n (P-16425/88; A-856)	790.6780	am (P-12991/88; P-16425/88; A-856) (P-3015) (E-3108)	790.9140	am (P-12991/88; A-856) (P-3015)
790.3340	am (P-12991/88; P-16425/88; A-856) (P-3015) (E-3108)	790.5530	am (P-16425/88; A-856)	790.6860	am (P-3015) (E-3108)	790.9220	am (P-3015) (E-3108)
		790.5540	am (P-16425/88; A-856) (P-3015)	790.6875	am (P-12991/88; A-856) (P-3015) (E-3108)	790.9320	am (P-3015) (E-3108)
790.3420	am (P-12991/88; A-856) (P-3015)	790.5544	am (P-12991/88; P-16425/88; A-856) (P-3015) (E-3108)	790.6885	am (P-3015) (E-3108)	790.9380	am (P-3015) (E-3108)
		790.5560	n (P-16425/88; A-856)	790.6895	n (P-3015) (E-3108)	790.9475	am (P-3015) (E-3108)
790.3425	am (P-16425/88; A-856)	790.5620	am (P-12991/88; P-16425/88; A-856) (P-3015) (E-3108)	790.6946	am (P-16425/88; A-856)	790.9486	am (P-12991/88; P-16425/88; A-856) (P-3015) (E-3108)
790.3437	am (P-12991/88; A-856) (P-3015)	790.5640	n (P-12991/88; A-856)	790.6960	am (P-12991/88; P-16425/88; A-856) (P-3015)		
790.3440	n (P-16425/88; A-856)	790.5660	am (P-3015) (E-3108)	790.6980	am (P-16425/88; A-856) (P-3015) (E-3108)	790.9500	am (P-12991/88; P-16425/88; A-856)
790.3475	n (P-16425/88; A-856)	790.5780	am (P-3015) (E-3108)	790.7020	am (P-16425/88; A-856)	790.9530	am (P-12991/88; P-16425/88; A-856)
790.3492	am (P-12991/88; A-856)	790.5792	am (P-12991/88; P-16425/88; A-856) (P-3015)	790.7140	am (P-16425/88; A-856)	830.10	n (P-3325/88; A-2090)
790.3500	am (P-16425/88; A-856)	790.5795	n (P-16425/88; A-856)	790.7180	am (P-16425/88; A-856)	830.100	am (P-3325/88; A-2090)
790.3540	am (P-16425/88; A-856)	790.5807	am (P-16425/88; A-856) (P-3015) (E-3108)	790.7223	am (P-3015) (E-3108)	830.110	am (P-3325/88; A-2090)
790.3620	am (P-12991/88; P-16425/88; A-856) (P-3015) (E-3108)	790.5820	am (P-12991/88; P-16425/88; A-856) (P-3015)	790.7265	n (P-16425/88; A-856)	830.120	am (P-3325/88; A-2090)
		790.5830	am (P-12991/88; P-16425/88; A-856)	790.7280	am (P-16425/88; A-856) (P-3015) (E-3108)	830.130	am (P-3325/88; A-2090)
790.3700	am (P-3015) (E-3108)	790.5837	n (P-12991/88; A-856)			830.140	am (P-3325/88; A-2090)
790.3720	n (P-16425/88; A-856)	790.5840	am (P-16425/88; A-856)	790.7288	n (P-16425/88; A-856)	830.150	r (P-3325/88; A-2090)
790.3900	am (P-16425/88; A-856)	790.5872	am (P-16425/88; A-856)	790.7288	am (P-3015) (E-3108)	830.160	r (P-3325/88; A-2090)
790.3907	am (P-12991/88; A-856)	790.5893	am (P-16425/88; A-856)	790.7400	am (P-12991/88; A-856) (P-3015) (E-3108)	830.170	r (P-3325/88; A-2090)
790.3910	n (P-12991/88; P-16425/88; A-856) (P-3015) (E-3108)	790.5900	am (P-16425/88; A-856)	790.7500	am (P-3015) (E-3108)	830.180	am (P-3325/88; A-2090)
790.3940	am (P-3015) (E-3108)	790.5924	am (P-12991/88; A-856) (P-3015) (E-3108)	790.7540	am (P-12991/88; P-16425/88; A-856) (P-3015)	830.190	n (P-3325/88; A-2090)
790.3945	am (P-16425/88; A-856)					830.200	am (P-3325/88; A-2090)
790.4012	am (P-16425/88; A-856) (P-3015)	790.5940	am (P-12991/88; P-16425/88; A-856) (P-3015) (E-3108)	790.7700	am (P-16425/88; A-856) (P-3015)	830.210	n (P-3325/88; A-2090)
						830.220	n (P-3325/88; A-2090)
790.4040	am (P-16425/88; A-856) (P-3015)	790.5980	am (P-16425/88; A-856)			830.230	n (P-3325/88; A-2090)
790.4060	am (P-16425/88; A-856)	790.5992	am (P-3015) (E-3108)	790.7828	am (P-12991/88; P-16425/88; A-856) (P-3015)	830.240	n (P-3325/88; A-2090)
790.4100	am (P-12991/88; P-16425/88; A-856) (P-3015) (E-3108)	790.6140	am (P-16425/88; A-856)			830.250	am (P-3325/88; A-2090)
		790.6180	am (P-3015) (E-3108)	790.7828	am (P-3015) (E-3108)	830.260	am (P-3325/88; A-2090)
790.4220	am (P-16425/88; A-856)	790.6260	am (P-16425/88; A-856) (P-3015) (E-3108)	790.8020	am (P-3015) (E-3108)	830.270	am (P-3325/88; A-2090)
790.4300	am (P-3015) (E-3108)			790.8140	am (P-3015) (E-3108)	830.280	r (P-3325/88; A-2090)
790.4396	am (P-12991/88; P-16425/88; A-856) (P-3015) (E-3108)			790.8248	r (P-3015) (E-3108)	830.290	n (P-3325/88; A-2090)
				790.8378	am (P-16425/88; A-856)	830.300	n (P-3325/88; A-2090)
790.4430	am (P-16425/88; A-856)					830.310	n (P-3325/88; A-2090)
790.4460	am (P-16425/88; A-856)					830.315	r (P-3325/88; A-2090)
790.4540	am (P-3015) (E-3108)					830.400	am (P-3325/88; A-2090)
790.4590	am (P-16425/88; A-856)					830.410	am (P-3325/88; A-2090)
790.4620	am (P-16425/88; A-856)						



TITLE 77 (CONTD)		
830.420	r	(P-3325/88; A-2090)
830.430	am	(P-3325/88; A-2090)
830.440	am	(P-3325/88; A-2090)
830.450	am	(P-3325/88; A-2090)
830.460	am	(P-3325/88; A-2090)
830.500	am	(P-3325/88; A-2090)
830.510	r	(P-3325/88; A-2090)
830.520	am	(P-3325/88; A-2090)
830.530	am	(P-3325/88; A-2090)
830.540	am	(P-3325/88; A-2090)
830.560	r	(P-3325/88; A-2090)
830.570	f	(P-3325/88; A-2090)
830.600	am	(P-3325/88; A-2090)
830.610	r	(P-3325/88; A-2090)
830.620	am	(P-3325/88; A-2090)
830.630	am	(P-3325/88; A-2090)
830.640	am	(P-3325/88; A-2090)
830.650	am	(P-3325/88; A-2090)
830.660	r	(P-3325/88; A-2090)
830.670	r	(P-3325/88; A-2090)
830.700	am	(P-3325/88; A-2090)
830.800	n	(P-3325/88; A-2090)
830.820	am	(P-3325/88; A-2090)
830.830	n	(P-3325/88; A-2090)
830.840	n	(P-3325/88; A-2090)
830.850	n	(P-3325/88; A-2090)
830.860	n	(P-3325/88; A-2090)
830.870	n	(P-3325/88; A-2090)
830.IIA	n	(P-3325/88; A-2090)
830.IIB	n	(P-3325/88; A-2090)
855.10	am	(P-6564/88; A-2768)
855.20	am	(P-6564/88; A-2768)
855.50	am	(P-6564/88; A-2768)
855.55	n	(P-6564/88; A-2768)
855.60	am	(P-6564/88; A-2768)
855.70	am	(P-6564/88; A-2768)
855.80	am	(P-6564/88; A-2768)
855.130	am	(P-6564/88; A-2768)
855.140	am	(P-6564/88; A-2768)
855.180	am	(P-6564/88; A-2768)
855.220	am	(P-6564/88; A-2768)
855.240	am	(P-6564/88; A-2768)
855.260	am	(P-6564/88; A-2768)
855.270	am	(P-6564/88; A-2768)
855.275	am	(P-6564/88; A-2768)
855.285	am	(P-6564/88; A-2768)
855.290	am	(P-6564/88; A-2768)
855.300	am	(P-6564/88; A-2768)
855.330	n	(P-6564/88; A-2768)
855.345	n	(P-6564/88; A-2768)
855.350	n	(P-6564/88; A-2768)
855.355	n	(P-6564/88; A-2768)
855.360	n	(P-6564/88; A-2768)
855.Ap.	A	(P-6564/88; A-2768)
II.B	am	(P-6564/88; A-2768)

TITLE 77 (CONTD)		
855, Ap. B	am	(P-656/488; A-2768)
I. A	n	(P-656/488; A-2768)
II. B	n	(P-656/488; A-2768)
II. C	n	(P-656/488; A-2768)
II. D	n	(P-656/488; A-2768)
II. E	n	(P-656/488; A-2768)
II. F	n	(P-656/488; A-2768)
II. G	n	(P-656/488; A-2768)
II. H	n	(P-656/488; A-2768)
II. I	n	(P-656/488; A-2768)
855, Ap. C	n	(P-656/488; A-2768)
II. A	n	(P-656/488; A-2768)
II. B	n	(P-656/488; A-2768)
II. C	n	(P-656/488; A-2768)
II. D	n	(P-656/488; A-2768)
II. E	n	(P-656/488; A-2768)
II. F	n	(P-656/488; A-2768)
890, 120	am	(P-4543)
890, 620	am	(P-4543)
890, 630	am	(P-4543)
890, 640	am	(P-4543)
890, 730	am	(P-4543)
890, 820	am	(P-4543)
890, 830	am	(P-4543)
890, 920	am	(P-4543)
890, 1040	am	(P-4543)
890, 1070	am	(P-4543)
890, 1110	am	(P-4543)
890, 1210	am	(P-4543)
890, 1410	am	(P-4543)
890, 1460	am	(P-4543)
890, 1540	am	(P-4543)
890, 1550	am	(P-4543)
890, 1620	am	(P-4543)
890, 1640	am	(P-4543)
890, 1650	am	(P-4543)
890, 1720	am	(P-4543)
890, 1750	am	(P-4543)
890, 2000	am	(P-4543)
890, 2110	am	(P-4543)
890, 3010	n	(P-4543)
890, 3020	n	(P-4543)
890, 3030	n	(P-4543)
890, 3040	n	(P-4543)
890, 3050	n	(P-4543)
890, 3060	n	(P-4543)
890, 3070	n	(P-4543)
890, 3080	n	(P-4543)
890, 3090	n	(P-4543)
890, 4000	n	(P-4543)
1100, 4	r	(P-5596)
1100, 220	am	(P-5596)
1100, 560	am	(P-5596)
1100, 570	am	(P-5596)
1100, 620	am	(P-5596)
1100, 630	am	(P-5596)

TITLE 77 (CONT'D)		
1100.660	am	(P-5596)
1110.30	am	(P-5619)
1110.40	am	(P-5619)
1110.50	n	(P-5619)
1110.220	am	(P-5619)
1110.720	am	(P-5619)
1110.1320	am	(P-5619)
1110.1330	am	(P-5619)
1110.1730	am	(P-5619)
1110.2220	am	(P-5619)
1110.2230	am	(P-5619)
1110.2330	am	(P-5619)
1110.1110	r	(P-5580)
1110.2110	r	(P-5580)
1110.220	r	(P-5580)
1110.230	r	(P-5580)
1110.310	r	(P-5580)
1110.320	r	(P-5580)
1110.330	r	(P-5580)
1110.410	r	(P-5580)
1110.420	r	(P-5580)
1110.430	r	(P-5580)
1110.440	r	(P-5580)
1110.450	r	(P-5580)
2510.50	am	(P-13694/88; A-334)
TITLE 80		
150.10	am	(P-16438/88; A-5201)
150.510	am	(P-16438/88; A-5201)
150.520	am	(P-16438/88; A-5201)
150.530	am	(P-16438/88; A-5201)
150.565	am	(P-16438/88; A-5201)
150.665	am	(P-16438/88; A-5201)
150.680	am	(P-16438/88; A-5201)
250.70	am	(P-1921)
302.190	am	(P-1639)
302.200	am	(P-1639)
302.625	am	(P-1639)
302.800	r	(P-15813/88; A-3722)
302.810	n	(P-15813/88; A-3722)
302.810	n	(P-15813/88; A-3722)
302.820	n	(P-15813/88; A-3722)
302.822	n	(P-15813/88; A-3722)
302.824	n	(P-15813/88; A-3722)
302.824	n	(P-15813/88; A-3722)
302.825	n	(P-15813/88; A-3722)
302.825	n	(P-15813/88; A-3722)
302.830	n	(P-15813/88; A-3722)
302.830	n	(P-15813/88; A-3722)
302.840	n	(P-15813/88; A-3722)
302.840	n	(P-15813/88; A-3722)
302.841	r	(P-15813/88; A-3722)
302.842	r	(P-15813/88; A-3722)

TITLE 80 (CONT'D)	
302.846	r (P-15813/88; A-3722)
302.848	r (P-15813/88; A-3722)
302.850	r (P-15813/88; A-3722)
302.852	n (P-15813/88; A-3722)
302.860	n (P-15813/88; A-3722)
302.862	n (P-15813/88; A-3722)
302.863	n (P-15813/88; A-3722)
310.30	am (P-1296)
310.230	am (P-1296)
310.280	am (P-1296)
310.290	am (P-1296)
310.320	am (P-1296)
310.Ap. A	(P-20584/88; RC-1254)
310.Th. F	am (P-2892)
Tb. P	am (P-20584/88; RC-1254)
1100.10	am (P-1327)
1100.20	am (P-1327)
1100.30	am (P-1327)
1100.40	am (P-1327)
1100.50	am (P-1327)
1100.70	am (P-1327)
1100.80	am (P-1327)
1100.90	n (P-1327)
1100.100	n (P-1327)
1105.10	am (P-1335)
1105.20	am (P-1335)
1105.30	am (P-1335)
1105.40	am (P-1335)
1105.50	am (P-1335)
1105.80	am (P-1335)
1105.100	am (P-1335)
1105.110	am (P-1335)
1105.120	am (P-1335)
1105.130	r (P-1335)
1105.140	am (P-1335)
1105.150	am (P-1335)
1105.160	am (P-1335)
1105.170	am (P-1335)
1105.220	am (P-1335)
1110.40	am (P-1355)
1110.50	am (P-1355)
1110.60	am (P-1355)
1110.70	r (P-1355)
1110.70	n (P-1355)
1110.80	am (P-1355)
1110.90	am (P-1355)
1110.100	am (P-1355)
1110.110	am (P-1355)
1110.140	am (P-1355)
1110.150	am (P-1355)
1110.160	am (P-1355)
1110.170	am (P-1355)
1110.180	n (P-1355)
1120.20	am (P-1379)
1120.30	am (P-1379)



TITLE 80 (CONT'D)		TITLE 80 (CONT'D)	
1120.40	am (P-1379)	2700.650	am (P-253) (E-629)
1120.50	am (P-1379)	2700.700	am (P-253) (E-629)
1120.70	n (P-1379)	2700.710	am (P-253) (E-629)
1125.10	am (P-16375/88; A-1784)	2700.720	am (P-253) (E-629)
1125.20	am (P-16375/88; A-1784)	2700.730	am (P-253) (E-629)
1125.30	am (P-16375/88; A-1784)	2700.735	n (P-253) (E-629)
1125.50	r (P-16375/88; A-1784)	2700.740	am (P-253) (E-629)
1125.70	am (P-16375/88; A-1784)	2700.750	am (P-253) (E-629)
1125.80	am (P-16375/88; O-22478/88; R-1905; A-1784)	2700.820	am (P-253) (E-629)
1125.90	r (P-16375/88; A-1784)	2700.920	am (P-253) (E-629)
1125.100	n (P-16375/88; A-1784)	2700.Ap. A	am (P-253) (E-629)
1570.40	am (P-14122/88; O-22492/88; R-1626; A-1577)	Ex. E	am (P-253) (E-629)
1570.60	r (P-14122/88; O-22492/88; R-1626; A-1577)	Ex. F	am (P-253) (E-629)
1570.70	am (P-14122/88; O-22492/88; R-1626; A-1577)	TITLE 83	
1570.80	am (P-14122/88; O-22492/88; R-1626; A-1577)	215.10	am (P-18026/88; A-4650)
1570.90	am (P-14122/88; O-22492/88; R-1626; A-1577)	215.30	am (P-1647)
1570.100	am (P-14122/88; O-22492/88; R-1626; A-1577)	281.30	am (P-1647)
1570.110	r (P-14122/88; O-22492/88; R-1626; A-1577)	281.90	am (P-1647)
1570.150	r (P-14122/88; O-22492/88; R-1626; A-1577)	281.100	am (P-1647)
1570.160	am (P-14122/88; O-22492/88; R-1626; A-1577)	281.Ex. D	am (P-1647)
2110.30	am (P-1) (E-214)	281.Ex. E	am (P-1647)
2110.320	am (P-1) (E-214)	285.110	am (P-5229)
2110.510	am (P-1) (E-214)	285.115	am (P-5229)
2110.530	am (P-1) (E-214)	285.130	am (P-5229)
2150.1	n (P-10285/88; A-2402)	285.150	am (P-5229)
2150.2	n (P-10285/88; A-2402)	285.160	am (P-5229)
2150.5	n (P-10285/88; A-2402)	285.170	am (P-5229)
2650.1	n (P-6871/88; O-1256; R-3411; A-3330)	285.210	am (P-5229)
2650.5	n (P-6871/88; O-1256; R-3411; A-3330)	285.210	am (P-5229)
2650.10	n (P-6871/88; O-1256; R-3411; A-3330)	285.310	am (P-5229)
2650.15	n (P-6871/88; O-1256; R-3411; A-3330)	285.400	am (P-5229)
2650.20	n (P-6871/88; O-1256; R-3411; A-3330)	285.401	am (P-5229)
2650.25	n (P-6871/88; O-1256; R-3411; A-3330)	285.402	am (P-5229)
2650.30	n (P-6871/88; O-1256; R-3411; A-3330)	285.403	am (P-5229)
2700.200	am (P-253) (E-629)	285.404	am (P-5229)
2700.440	am (P-253) (E-629)	285.405	am (P-5229)
2700.620	am (P-253) (E-629)	285.406	am (P-5229)
2700.630	am (P-253) (E-629)	285.407	am (P-5229)

TITLE 83 (CONT'D)		TITLE 83 (CONT'D)	
285.2100	n (P-5229)	435.30	r (P-3)
285.2105	n (P-5229)	435.40	r (P-3)
285.2110	n (P-5229)	435.50	r (P-3)
285.2115	n (P-5229)	435.60	r (P-3)
285.2120	n (P-5229)	440.10	n (P-3162/88; A-296)
285.2125	n (P-5229)	440.100	n (P-3162/88; A-296)
285.3000	n (P-5229)	440.200	n (P-3162/88; A-296)
285.3005	n (P-5229)	440.210	n (P-3162/88; A-296)
285.3010	n (P-5229)	440.220	n (P-3162/88; A-296)
285.3015	n (P-5229)	440.240	n (P-3162/88; A-296)
285.3020	n (P-5229)	440.300	n (P-3162/88; A-296)
285.3025	n (P-5229)	440.310	n (P-3162/88; A-296)
285.3030	n (P-5229)	440.400	n (P-3162/88; A-296)
285.3035	n (P-5229)	440.410	n (P-3162/88; A-296)
285.3040	n (P-5229)	440.420	n (P-3162/88; A-296)
285.3045	n (P-5229)	440.430	n (P-3162/88; A-296)
285.3050	n (P-5229)	440.500	n (P-3162/88; A-296)
285.3055	n (P-5229)	440.510	n (P-3162/88; A-296)
285.3060	n (P-5229)	440.520	n (P-3162/88; A-296)
285.3061	n (P-5229)	440.600	n (P-3162/88; A-296)
285.3065	n (P-5229)	440.610	n (P-3162/88; A-296)
285.3070	n (P-5229)	440.620	n (P-3162/88; A-296)
285.3075	n (P-5229)	440.640	n (P-3162/88; A-296)
285.3080	n (P-5229)	440.650	n (P-3162/88; A-296)
285.3081	n (P-5229)	440.660	n (P-3162/88; A-296)
285.3090	n (P-5229)	440.700	n (P-3162/88; A-296)
285.3095	n (P-5229)	440.800	n (P-3162/88; A-296)
285.3100	n (P-5229)	440.810	n (P-3162/88; A-296)
285.3110	n (P-5229)	440.900	n (P-3162/88; A-296)
285.3115	n (P-5229)	440.910	n (P-3162/88; A-296)
285.3120	n (P-5229)	505.10	am (P-1686)
285.3125	n (P-5229)	595.120	am (P-16309/88; A-2036)
285.3130	n (P-5229)	TITLE 86	
285.4000	n (P-5229)	100.3700	am (P-2383)
285.4001	n (P-5229)	100.5706	am (P-768)
285.4005	n (P-5229)	110.145	am (P-20007/88; A-6803)
285.4010	n (P-5229)	151.101	n (P-1498)
285.4015	n (P-5229)	151.105	n (P-1498)
285.4020	n (P-5229)	151.110	n (P-1498)
285.4025	n (P-5229)	151.115	n (P-1498)
285.5000	n (P-5229)	200.101	r (P-20012/88; A-6808)
285.5005	n (P-5229)	200.101	n (P-19993/88; A-6789)
285.5010	n (P-5229)	200.105	r (P-20012/88; A-6808)
285.5015	n (P-5229)	200.105	r (P-19993/88; A-6789)
285.5020	n (P-5229)	200.110	r (P-20012/88; A-6808)
285.5025	n (P-5229)	200.110	n (P-19993/88; A-6789)
285.Ex. A	r (P-5229)	200.115	r (P-20012/88; A-6808)
285.Ex. B	r (P-5229)	200.115	r (P-19993/88; A-6789)
285.Ex. C	r (P-5229)	200.120	r (P-20012/88; A-6808)
285.Ex. D	r (P-5229)	200.120	n (P-19993/88; A-6789)
285.Ex. E	r (P-5229)	200.125	r (P-20012/88; A-6808)
325.5	r (P-18021/88; A-4648)	200.125	r (P-20012/88; A-6808)
325.10	r (P-18021/88; A-4648)	200.130	r (P-19993/88; A-6789)
325.20	r (P-18021/88; A-4648)	200.130	n (P-19993/88; A-6789)
435.20	r (P-3)	200.135	r (P-20012/88; A-6808)



TITLE 86 (CONT'D)		TITLE 89 (CONT'D)		TITLE 89 (CONT'D)	
200.135	n (P-19993/88; A-6789)	113.142	am (P-15898/88; A-63)	140.376	r (P-5958/88; A-3351)
200.140	r (P-20012/88; A-6808)	113.157	n (P-1473)	140.390	am (P-17643/88; A-5115)
200.140	n (P-19993/88; A-6789)	113.253	am (E-3402) (P-15898/88; A-63)	140.392	am (P-17643/88; A-5115)
200.145	n (P-19993/88; A-6789)	113.260	am (E-3402) (P-15898/88; A-63)	140.394	am (P-17643/88; A-5115)
200.150	n (P-19993/88; A-6789)	113.302	am (P-4481)	140.400	am (P-17172/88; A-2475)
200.155	n (P-19993/88; A-6789)	113.302	am (P-4481)	140.441	am (P-17172/88; A-2475)
200.160	n (P-19993/88; A-6789)	114.5	n (P-20967/88; A-3900)	140.443	am (P-17172/88; A-2475)
200.165	n (P-19993/88; A-6789)	114.127	am (P-14956/88; A-89) (P-1959)	140.445	am (P-17172/88; O-1263; R-2538; A-2475)
200.170	n (P-19993/88; A-6789)	114.128	am (P-17621/88; A-1546)	140.447	am (P-17172/88; A-2475)
200.175	n (P-19993/88; A-6789)	114.220	am (P-5456)	140.512	am (P-19958/88; A-125)
210.135	n (P-11060/88; A-6782)	114.240	r (P-5456)	140.525	am (P-17172/88; A-5718)
425.10	r (P-19976/88; A-6780)	114.351	am (P-15924/88; A-89)	140.526	am (P-1420)
425.20	r (P-19976/88; A-6780)	114.352	am (P-15924/88; A-89)	140.569	am (P-5465)
432.100	n (P-15027/88; A-191)	114.353	am (P-15924/88; A-89)	140.896	n (P-11701/88; A-5718)
432.110	n (P-15027/88; A-191)	115.1	n (P-20735/88; A-3932)	141.200	am (P-20370/88; A-3850)
432.120	n (P-15027/88; A-191)	115.10	am (P-2702)	141.400	am (P-15483/88; A-516)
432.130	n (P-15027/88; A-191)	115.30	am (P-2702)	141.480	am (P-15483/88; A-516)
432.140	n (P-15027/88; A-191)	115.30	am (P-20683/88; A-3847)	141.560	am (P-15483/88; A-516) (P-20370/88; A-3850)
432.150	n (P-15027/88; A-191)	116.10	n (P-20739/88; A-3936)	141.720	am (P-20370/88; A-3850)
432.160	n (P-15027/88; A-191)	117.1	n (P-5487)	141.800	am (P-15483/88; A-516)
432.170	n (P-15027/88; A-191)	117.20	am (P-20735/88; A-3950)	141.800	am (P-15483/88; A-516)
432.180	n (P-15027/88; A-191)	118.300	n (P-20705/88; A-3908)	141.1160	am (P-15483/88; A-516)
432.190	n (P-15027/88; A-191)	120.1	am (P-17633/88; A-2081)	141.1240	am (P-15483/88; A-516)
432.200	n (P-15027/88; A-191)	120.40	am (P-3281)	141.1280	am (P-15483/88; A-516) (P-20370/88; A-3850)
445.10	r (P-19981/88; A-6785)	120.70	am (P-3281)	141.1480	am (P-15483/88; A-516)
445.20	r (P-19981/88; A-6785)	120.72	n (P-3281)	141.1520	am (P-15483/88; A-516)
445.30	r (P-19981/88; A-6785)	120.74	n (P-3281)	141.1680	am (P-15483/88; A-516) (P-20370/88; A-3850)
455.10	r (P-19987/88; A-6787)	120.76	n (P-3281)	141.1760	am (P-15483/88; A-516)
455.20	r (P-19987/88; A-6787)	120.82	am (P-15938/88; A-116) (P-3281)	141.2280	am (P-15483/88; A-516)
455.30	r (P-19987/88; A-6787)	121.58	am (P-3541)	141.2360	am (P-15483/88; A-516)
525.103	n (E-5788)	121.62	am (P-3541)	141.2400	am (P-15483/88; A-516)
530.165	am (P-11104/88; A-1589)	121.135	n (P-20686/88; A-3890)	141.2600	am (P-20370/88; A-3850)
600.101	n (P-1448)	130.301	am (P-4469)	141.2760	am (P-15483/88; A-516) (P-20370/88; A-3850)
600.105	n (P-1448)	130.302	am (P-4469)	141.2920	am (P-20370/88; A-3850)
600.110	n (P-1448)	130.310	am (P-4469)	141.2960	am (P-15483/88; A-516) (P-20370/88; A-3850)
600.115	n (P-1448)	130.312	am (P-4469)	141.3280	am (P-20370/88; A-3850)
600.120	n (P-1448)	130.313	am (P-4469)	141.3440	am (P-15483/88; A-516)
600.125	n (P-1448)	130.314	am (P-4469)	141.3480	am (P-15483/88; A-516)
600.130	n (P-1448)	130.321	am (P-4469)	141.3600	am (P-20370/88; A-3850)
600.135	n (P-1448)	130.500	n (P-20649/88; A-3831)	141.3760	am (P-15483/88; A-516) (P-20370/88; A-3850)
610.101	n (P-1460)	140.16	am (P-2937)	141.3800	am (P-15483/88; A-516) (P-20370/88; A-3850)
610.105	n (P-1460)	140.17	am (P-2937)	141.3840	am (P-15483/88; A-516)
610.110	n (P-1460)	140.19	am (P-12976/88; A-3917)	141.3920	am (P-20370/88; A-3850)
610.115	n (P-1460)	140.21	n (P-3295)	141.4000	am (P-15483/88; A-516)
610.120	n (P-1460)	140.100	am (P-16421/88; O-1259; M-3195; A-3069)	141.4040	am (P-15483/88; A-516)
610.125	n (P-1460)	140.350	am (P-5958/88; A-3351)	141.4160	am (P-15483/88; A-516)
610.130	n (P-1460)	140.362	am (P-5958/88; A-3351)	141.4200	am (P-20370/88; A-3850)
610.135	n (P-1460)	140.363	am (P-5958/88; A-3351)	141.4230	n (P-20370/88; A-3850)
620.101	n (P-1468)	140.364	r (P-5958/88; A-3351)	141.4440	am (P-15483/88; A-516)
620.105	n (P-1468)	140.364	n (P-5958/88; A-3351)	141.4520	am (P-15483/88; A-516)
620.110	n (P-1468)	140.367	am (P-5958/88; A-3351)		
620.115	n (P-1468)	140.369	am (P-5958/88; A-3351)		
620.120	n (P-1468)	140.370	am (P-5958/88; A-3351)		
630.101	n (P-1473)	140.372	am (P-5958/88; A-3351)		
630.105	n (P-1473)	140.373	r (P-5958/88; A-3351)		

TITLE 86 (CONT'D)		TITLE 89 (CONT'D)		TITLE 89 (CONT'D)	
200.135	n (P-19993/88; A-6789)	630.115	n (P-1473)	113.142	am (P-15898/88; A-63)
200.140	r (P-20012/88; A-6808)	630.120	n (P-1473)	113.157	n (P-5440)
200.140	n (P-19993/88; A-6789)	630.125	n (P-1473)	113.253	am (E-3402) (P-15898/88; A-63)
200.145	n (P-19993/88; A-6789)	630.130	n (P-1473)	113.260	am (E-3402) (P-15898/88; A-63)
200.150	n (P-19993/88; A-6789)	630.135	n (P-1485)	113.302	am (P-4481)
200.155	n (P-19993/88; A-6789)	640.101	n (P-1485)	113.302	am (P-4481)
200.160	n (P-19993/88; A-6789)	640.105	n (P-1485)	114.5	n (P-20967/88; A-3900)
200.165	n (P-19993/88; A-6789)	640.110	n (P-1485)	114.127	am (P-14956/88; A-89) (P-1959)
200.170	n (P-19993/88; A-6789)	640.115	n (P-1485)	114.128	am (P-17621/88; A-1546)
200.175	n (P-19993/88; A-6789)	640.120	n (P-1485)	114.220	am (P-5456)
210.135	n (P-11060/88; A-6782)	640.125	n (P-1485)	114.240	r (P-5456)
425.10	r (P-19976/88; A-6780)	640.130	n (P-1485)	114.351	am (P-15924/88; A-89)
425.20	r (P-19976/88; A-6780)	640.135	n (P-1485)	114.352	am (P-15924/88; A-89)
432.100	n (P-15027/88; A-191)	650.101	n (P-1493)	114.353	am (P-15924/88; A-89)
432.110	n (P-15027/88; A-191)	650.105	n (P-1493)	115.1	n (P-20735/88; A-3932)
432.120	n (P-15027/88; A-191)	650.110	n (P-1493)	115.10	am (P-2702)
432.130	n (P-15027/88; A-191)	650.115	n (P-1493)	115.30	am (P-2702)
432.140	n (P-15027/88; A-191)	650.120	n (P-1493)	115.30	am (P-20683/88; A-3847)
432.150	n (P-15027/88; A-191)			116.10	n (P-20739/88; A-3936)
432.160	n (P-15027/88; A-191)			117.1	n (P-5487)
432.170	n (P-15027/88; A-191)			117.20	am (P-20735/88; A-3950)
432.180	n (P-15027/88; A-191)			118.300	n (P-20705/88; A-3908)
432.190	n (P-15027/88; A-191)			120.1	am (P-17633/88; A-2081)
432.200	n (P-15027/88; A-191)			120.40	am (P-3281)
445.10	r (P-19981/88; A-6785)			120.70	am (P-3281)
445.20	r (P-19981/88; A-6785)			120.72	n (P-3281)
445.30	r (P-19981/88; A-6785)			120.74	n (P-3281)
455.10	r (P-19987/88; A-6787)			120.76	n (P-3281)
455.20	r (P-19987/88; A-6787)			120.82	am (P-15938/88; A-116) (P-3281)
455.30	r (P-19987/88; A-6787)			121.58	am (P-3541)
525.103	n (E-5788)			121.62	am (P-3541)
530.165	am (P-11104/88; A-1589)			121.135	n (P-20686/88; A-3890)
600.101	n (P-1448)			130.301	am (P-4469)
600.105	n (P-1448)			130.302	am (P-4469)
600.110	n (P-1448)			130.310	am (P-4469)
600.115	n (P-1448)			130.312	am (P-4469)
600.120	n (P-1448)			130.313	am (P-4469)
600.125	n (P-1448)			130.314	am (P-4469)
600.130	n (P-1448)			130.321	am (P-4469)
600.135	n (P-1448)			130.500	n (P-20649/88; A-3831)
610.101	n (P-1460)			140.16	am (P-2937)
610.105	n (P-1460)			140.17	am (P-2937)
610.110	n (P-1460)			140.19	am (P-12976/88; A-3917)
610.115	n (P-1460)			140.21	n (P-3295)
610.120	n (P-1460)			140.100	am (P-16421/88; O-1259; M-3195; A-3069)
610.125	n (P-1460)			140.350	am (P-5958/88; A-3351)
610.130	n (P-1460)			140.362	am (P-5958/88; A-3351)
610.135	n (P-1460)			140.363	am (P-5958/88; A-3351)
620.101	n (P-1468)			140.364	r (P-5958/88; A-3351)
620.105	n (P-1468)			140.364	n (P-5958/88; A-3351)
620.110	n (P-1468)			140.367	am (P-5958/88; A-3351)
620.115	n (P-1468)			140.369	am (P-5958/88; A-3351)
620.120	n (P-1468)			140.370	am (P-5958/88; A-3351)
630.101	n (P-1473)			140.372	am (P-5958/88; A-3351)
630.105	n (P-1473)			140.373	r (P-5958/88; A-3351)



TITLE #9 (CONT'D)	TITLE #9 (CONT'D)
141.4720 am (P-15483/88; A-516)	240.1720 n (P-685)
141.4760 am (P-15483/88; A-516)	240.1722 n (P-685)
141.4800 am (P-20370/88; A-3850)	240.1725 n (P-685)
147.25 am (P-3562)	240.1730 n (P-685)
147.50 am (P-3562)	240.1735 n (P-685)
147.75 am (P-10627/88; A-559)	240.1737 n (P-685)
147.100 am (P-10627/88; A-559)	240.1738 n (P-685)
147.205 am (P-17201/88; O-5800)	240.1739 n (P-685)
147.7b. A am (P-10627/88; O-20231/88; R-667; A-559)	240.1960 n (P-685)
147.7b. B am (P-10627/88; O-20231/88 R-667; A-559)	300.20 am (P-11953/88; A-2419)
149.100 am (P-3553)	300.30 am (P-11953/88; A-2419)
149.105 am (P-13917/88; A-554)	300.90 am (P-11953/88; A-2419)
160.1 n (P-21039/88; A-4268)	300.100 am (P-11953/88; A-2419)
160.5 n (P-1396)	300.110 am (P-11953/88; O-22472/88; R-2535; A-2419)
160.10 am (P-1396)	300.130 am (P-11953/88; A-2419)
160.70 am (P-20677/88; A-4268)	300.140 am (P-11953/88; A-2419)
160.100 am (P-1396)	300.160 am (P-11953/88; O-3412; RC-3414)
160.110 n (P-1396)	357.2 am (P-13807/88; A-3344)
160.120 n (P-1396)	357.3 am (P-13807/88; A-3344)
160.130 n (P-1396)	357.11 am (P-13807/88; A-3344)
160.140 n (P-1396)	385.20 am (P-13744/88; A-5917)
160.150 n (P-1396)	385.30 am (P-13744/88; A-5917)
160.160 n (P-1396)	385.40 am (P-13744/88; A-5917)
165.1 n (P-20679/88; A-3843)	431.5 am (P-11922/88; O-22457/88; R-2532; A-2407)
165.10 am (P-5450)	431.6 am (P-11922/88; A-2407)
165.20 am (P-5450)	431.7 am (P-11922/88; A-2407)
170.100 am (P-4490)	431.11 n (P-11922/88; O-22457/88; R-2532; A-2407)
170.110 n (P-4490)	431.12 # (P-11922/88; A-2407)
170.120 n (P-4490)	432.8 # (P-5225)
170.130 n (P-4490)	432.8 n (P-5225)
170.200 n (P-4490)	432.9 # (P-5225)
230.360 am (P-14777/88; A-2015)	437.4 am (P-13752/88; A-3339)
230.362 am (P-14777/88; A-2015)	437.8 # (P-13752/88; A-3339)
230.365 am (P-14777/88; A-2015)	437.8 n (P-13752/88; A-3339)
230.510 n (P-12137/88; A-3054)	437.9 # (P-13752/88; A-3339)
230.520 n (P-12137/88; A-3054)	437.9 am (P-13752/88; A-3339)
230.530 n (P-12137/88; A-3054)	510.10 n (P-3036)
230.540 n (P-12137/88; A-3054)	510.10 r (P-3020)
230.550 n (P-12137/88; A-3054)	510.20 n (P-3036)
230.560 n (P-12137/88; A-3054)	510.20 r (P-3020)
230.570 n (P-12137/88; A-3054)	510.30 n (P-3036)
230.580 n (P-12137/88; A-3054)	510.30 r (P-3020)
240.1400 n (P-685)	510.30 r (P-3020)
240.1410 am (P-685)	510.40 n (P-3036)
240.1420 am (P-685)	510.40 r (P-3020)
240.1430 n (P-685)	510.50 n (P-3036)
240.1440 n (P-685)	510.50 r (P-3020)
240.1450 n (P-685)	510.60 n (P-3036)
240.1700 n (P-685)	510.60 r (P-3020)
240.1705 n (P-685)	510.70 n (P-3036)
240.1710 n (P-685)	510.80 n (P-3036)
240.1715 n (P-685)	510.90 n (P-3036)
240.1718 n (P-685)	510.100 n (P-3036)

TITLE #9 (CONT'D)	TITLE #9 (CONT'D)
510.110 n (P-3036)	765.10 am (P-13948/88; A-5154)
510.120 r (P-3020)	829.10 n (P-5990/88; A-5755)
510.130 r (P-3020)	829.20 n (P-5990/88; A-5755)
510.140 r (P-3020)	829.30 n (P-5990/88; A-5755)
510.210 r (P-3020)	829.40 n (P-5990/88; A-5755)
510.220 r (P-3020)	829.50 n (P-5990/88; A-5755)
510.230 r (P-3020)	829.60 n (P-5990/88; A-5755)
510.240 r (P-3020)	829.70 n (P-5990/88; A-5755)
510.250 r (P-3020)	829.80 n (P-5990/88; A-5755)
510.260 r (P-3020)	829.90 n (P-5990/88; A-5755)
510.270 r (P-3020)	843.10 am (P-15015/88; A-4298)
510.280 r (P-3020)	843.50 am (P-15015/88; A-4298)
510.290 r (P-3020)	843.60 am (P-15015/88; A-4298)
510.300 r (P-3020)	843.70 am (P-15015/88; A-4298)
510.310 r (P-3020)	843.150 am (P-15015/88; A-4298)
510.320 r (P-3020)	843.160 am (P-15015/88; A-4298)
510.410 r (P-3020)	845.40 n (P-4641)
510.420 r (P-3020)	895.10 n (P-3310)
520.20 am (P-6911/88; A-5149)	895.20 n (P-3310)
520.30 am (P-6911/88; A-5149)	895.30 n (P-3310)
520.100 am (P-6911/88; A-5149)	895.40 n (P-3310)
530.5 am (P-3565/88; A-141)	895.50 n (P-3310)
530.10 am (P-3565/88; A-141)	895.60 n (P-3310)
530.20 r (P-3565/88; A-141)	895.70 n (P-3310)
530.100 r (P-3565/88; A-141)	895.80 n (P-3310)
530.105 r (P-3565/88; A-141)	1300.340 am (P-19223/88; A-4644)
530.110 am (P-3565/88; A-141)	
530.120 r (P-3565/88; A-141)	
530.130 am (P-3565/88; A-141)	
530.140 am (P-3565/88; A-141)	
530.150 r (P-3565/88; A-141)	
530.200 n (P-3565/88; A-141)	
530.230 n (P-3565/88; A-141)	
530.240 n (P-3565/88; A-141)	
530.260 n (P-3565/88; A-141)	
552.40 am (P-277)	
552.100 am (P-52; W-4309)	
557.10 am (P-5914)	
562.30 am (P-4685/88; A-2866)	
567.10 am (P-281)	
587.50 am (P-2192/88; A-1850)	
587.110 am (P-2192/88; A-1850)	
587.130 n (P-2192/88; A-1850)	
587.500 am (P-2192/88; A-1850)	
592.45 am (P-2092/88; A-1573)	
597.20 am (P-2197/88; A-1568)	
597.150 n (P-2197/88; A-1568)	
607.60 am (P-56) (E-225; O-3478)	
675.300 am (P-13956/88; A-6768)	
685.600 am (P-15023/88; A-5158)	
700.200 am (P-10409/88; A-3101)	
700.300 am (P-10409/88; A-3101)	
714.10 am (P-4152)	
714.20 am (P-4152)	
714.30 am (P-4152)	
714.40 n (P-4152)	



This part of the Sections Affected Index lists only those Sections on which rulemaking is occurring in this issue of the Illinois Register. For previous action on these Sections in this volume of the Register, please refer to the first part of this index which begins on page SAI-1.

**TITLE 92 (CONT'D)**

448.Ap.A	am	(P-1127)	708.180	am	(P-1503)
Ex. A	am	(P-1127)	1000.10	am	(P-3316)
451.10	n	(P-16536/88; W-2882)	1000.20	am	(P-3316)
451.20	n	(P-16536/88; W-2882)	1000.41	n	(P-17269/88; A-5185)
451.30	n	(P-16536/88; W-2882)	1000.50	am	(P-3316)
451.40	n	(P-16536/88; W-2882)	1000.60	am	(P-3316)
451.50	n	(P-16536/88; W-2882)	1000.70	n	(P-3316)
451.60	n	(P-16536/88; W-2882)	1000.80	am	(P-3316)
451.70	n	(P-16536/88; W-2882)	1000.120	am	(P-3316)
451.80	n	(P-16536/88; W-2882)	1003.40	am	(P-19642/88; A-5173)
451.90	n	(P-16536/88; W-2882)	1010.20	n	(P-19642/88; A-5173)
451.100	n	(P-16536/88; W-2882)	1010.240	am	(P-1103)
451.110	n	(P-16536/88; W-2882)	1010.430	n	(P-5655)
451.120	n	(P-16536/88; W-2882)	1010.440	n	(P-16432/88; A-1598)
451.130	n	(P-16536/88; W-2882)	1010.452	n	(P-19642/88; A-5173)
451.Ap.A	n	(P-16536/88; W-2882)	1010.455	n	(P-19642/88; A-5173)
451.Ap.B	n	(P-16536/88; W-2882)	1010.456	n	(P-19642/88; A-5173)
451.Ap.C	n	(P-16536/88; W-2882)	1019.5	n	(P-19652/88; A-4944)
451.Ap.D	n	(P-16536/88; W-2882)	1019.10	n	(P-19652/88; A-4944)
451.Ap.E	n	(P-16536/88; W-2882)	1019.20	n	(P-19652/88; A-4944)
451.Ap.F	n	(P-16536/88; W-2882)	1019.30	n	(P-19652/88; A-4944)
451.Ap.G	n	(P-16536/88; W-2882)	1019.35	n	(P-19652/88; A-4944)
451.II.A	n	(P-16536/88; W-2882)	1019.40	n	(P-19652/88; A-4944)
451.II.B	n	(P-16536/88; W-2882)	1019.45	n	(P-19652/88; A-4944)
452.10	r	(P-16447/88; W-2881)	1020.60	n	(P-5665)
452.20	r	(P-16447/88; W-2881)	1030.11	n	(P-3611)
452.30	r	(P-16447/88; W-2881)	1030.85	am	(P-2395)
452.40	r	(P-16447/88; W-2881)	1030.86	n	(P-17275/88; A-5192)
452.50	r	(P-16447/88; W-2881)	1030.88	am	(P-2753)
452.60	r	(P-16447/88; W-2881)	1030.94	am	(P-3324)
452.70	r	(P-16447/88; W-2881)	1040.30	am	(P-3324) (P-3611)
452.80	r	(P-16447/88; W-2881)	1040.40	am	(P-17259/88; A-5162)
452.90	r	(P-16447/88; W-2881)	1040.66	n	(P-17259/88; A-5162)
452.100	r	(P-16447/88; W-2881)	1205.10	am	(P-1665)
452.110	r	(P-16447/88; W-2881)	1206.20	am	(P-1671)
452.120	r	(P-16447/88; W-2881)	1225.45	am	(P-1676)
452.130	r	(P-16447/88; W-2881)	1235.10	n	(P-17045/88; A-4658)
452.140	r	(P-16447/88; W-2881)	1235.15	n	(P-17045/88; A-4658)
452.150	r	(P-16447/88; W-2881)	1235.20	n	(P-17045/88; A-4658)
452.160	r	(P-16447/88; W-2881)	1235.25	n	(P-17045/88; A-4658)
452.170	r	(P-16447/88; W-2881)	1235.30	n	(P-17045/88; A-4658)
452.Tb.A	r	(P-16447/88; W-2881)	1235.35	n	(P-17045/88; A-4658)
452.Tb.B	r	(P-16447/88; W-2881)	1235.40	n	(P-17045/88; A-4658)
452.Tb.C	r	(P-16447/88; W-2881)	1235.45	n	(P-17045/88; A-4658)
452.Tb.D	r	(P-16447/88; W-2881)	1235.50	n	(P-17045/88; A-4658)
452.Tb.E	r	(P-16447/88; W-2881)	1235.55	n	(P-17045/88; A-4658)
452.Ex.A	r	(P-16447/88; W-2881)	1304.10	n	(P-13381/88; A-4654)
534.20	am	(P-2760)	1710.160	am	(P-10)
534.210	am	(P-19952/88; A-1866)			
545.100	n	(P-1111)			
545.200	n	(P-1111)			
545.300	n	(P-1111)			
545.400	n	(P-1111)			
708.80	am	(P-1503)			
708.90	am	(P-1503)			

**TITLE 68 (CONT'D)**

731.101	r	(P-6861)	750.3040	n	(P-6949)
731.102	r	(P-6861)	750.3050	r	(P-6934)
731.103	r	(P-6861)	750.3060	n	(P-6934)
731.190	n	(P-6861)	750.3060	n	(P-6949)
731.191	n	(P-6861)	750.3070	n	(P-6949)
731.192	n	(P-6861)	750.4000	r	(P-6934)
731.193	n	(P-6861)	750.4010	r	(P-6934)
731.194	n	(P-6861)	750.4020	r	(P-6934)
731.195	n	(P-6861)	750.4030	r	(P-6934)
731.196	n	(P-6861)	750.4040	r	(P-6934)
731.197	n	(P-6861)	750.4050	r	(P-6934)
731.198	n	(P-6861)	750.4060	r	(P-6934)
731.199	n	(P-6861)	750.4070	r	(P-6934)
731.202	n	(P-6861)	750.4080	r	(P-6934)
731.203	n	(P-6861)	750.5000	r	(P-6934)
731.204	n	(P-6861)	1320.20	am	(A-6994)
731.205	n	(P-6861)	1320.30	am	(A-6994)
731.206	n	(P-6861)	1320.40	am	(A-6994)
731.207	n	(P-6861)	1320.50	am	(A-6994)
731.208	n	(P-6861)	1320.55	am	(A-6994)
731.209	n	(P-6861)	1320.60	am	(A-6994)
731.210	n	(P-6861)	1320.70	am	(A-6994)
731.211	n	(P-6861)	1320.80	am	(A-6994)
731.900	r	(P-6861)	1320.90	am	(A-6994)
731.901	r	(P-6861)	1320.95	n	(A-6994)
			1320.100	am	(A-6994)
			1320.110	am	(A-6994)
			1320.250	n	(A-6994)
			1320.310	n	(A-6994)

**TITLE 71**

40.130	am	(A-6973)
--------	----	----------

**TITLE 72**

710.20	am	(P-6913)
710.30	am	(P-6913)
710.40	am	(P-6913)
710.50	am	(P-6913)
710.100	am	(P-6913)
710.110	am	(P-6913)
710.120	am	(P-6913)
710.130	am	(P-6913)
710.140	am	(P-6913)
710.210	am	(P-6913)
710.220	am	(P-6913)
710.230	am	(P-6913)
750.10	am	(P-6888)
750.20	n	(P-6888)
750.300	am	(P-6888)
750.550	r	(P-6888)
750.560	am	(P-6888)
750.1800	n	(P-6888)



TITLE 77 (CONT'D)

750.1810 n (P-6888)  
750.1815 n (P-6888)  
750.1820 n (P-6888)  
750.1830 n (P-6888)  
750.1835 n (P-6888)  
750.1836 n (P-6888)  
750.1837 n (P-6888)  
750.1838 n (P-6888)  
750.1840 n (P-6888)  
750.1850 n (P-6888)  
750.1860 n (P-6888)  
750.1861 n (P-6888)  
750.1862 n (P-6888)  
750.1865 n (P-6888)  
750.1868 n (P-6888)  
750.1870 n (P-6888)  
750.1876 n (P-6888)  
750.1880 n (P-6888)  
750.1890 n (P-6888)  
750.1895 n (P-6888)  
750.Ap. A n (P-6888)  
750.Ap. B n (P-6888)  
750.Ap. C n (P-6888)  
750.Ap. D n (P-6888)  
760.30 n (P-6964)  
760.Ap. A n (P-6964)  
2800.102 am (P-6856)

TITLE 80

2150.1 am (P-6853)

TITLE 89

140.43 n (A-7025)  
140.850 re (A-7040)  
140.855 re (A-7040)  
140.860 re (A-7040)  
140.865 re (A-7040)  
140.870 re (A-7040)  
140.875 re (A-7040)  
140.880 re (A-7040)  
140.885 re (A-7040)  
140.890 re (A-7040)  
140.895 re (A-7040)  
140.896 re (A-7040)  
146.5 re (A-7040)  
146.25 re (A-7040)  
146.50 re (A-7040)  
146.75 re (A-7040)  
146.100 re (A-7040)  
146.105 re (A-7040)  
146.120 re (A-7040)  
146.125 re (A-7040)  
146.150 re (A-7040)  
146.175 re (A-7040)  
146.200 re (A-7040)  
146.225 re (A-7040)

TITLE 89 (CONT'D)

147.205 am (R-7148; A-7043)  
334.11 am (A-6986)  
334.12 am (A-6986)  
334.13 am (A-6986)

TITLE 92

518.10 n (PP-7057)  
518.15 n (PP-7057)  
518.20 n (PP-7057)  
518.100 n (PP-7057)  
518.105 n (PP-7057)  
518.110 n (PP-7057)  
518.115 n (PP-7057)  
518.120 n (PP-7057)  
518.125 n (PP-7057)  
518.130 n (PP-7057)  
518.135 n (PP-7057)  
518.140 n (PP-7057)  
518.145 n (PP-7057)  
518.200 n (PP-7057)  
518.300 n (PP-7057)  
518.305 n (PP-7057)  
518.310 n (PP-7057)  
518.315 n (PP-7057)  
518.320 n (PP-7057)  
518.400 n (PP-7057)  
518.405 n (PP-7057)  
518.410 n (PP-7057)  
518.415 n (PP-7057)  
518.420 n (PP-7057)  
518.500 n (PP-7057)  
518.505 n (PP-7057)  
518.600 n (PP-7057)  
518.700 n (PP-7057)  
518.705 n (PP-7057)  
518.710 n (PP-7057)  
518.715 n (PP-7057)  
518.720 n (PP-7057)  
518.725 n (PP-7057)  
518.730 n (PP-7057)  
518.735 n (PP-7057)  
518.740 n (PP-7057)  
518.745 n (PP-7057)  
518.750 n (PP-7057)  
518.800 n (PP-7057)  
518.805 n (PP-7057)  
518.810 n (PP-7057)  
518.815 n (PP-7057)  
518.820 n (PP-7057)  
518.825 n (PP-7057)  
518.830 n (PP-7057)  
518.835 n (PP-7057)  
518.840 n (PP-7057)  
518.845 n (PP-7057)  
518.850 n (PP-7057)  
518.855 n (PP-7057)

TITLE 92 (CONT'D)

518.860 n (PP-7057)  
518.865 n (PP-7057)  
518.870 n (PP-7057)  
518.875 n (PP-7057)  
518.900 n (PP-7057)  
518.905 n (PP-7057)  
518.910 n (PP-7057)  
518.915 n (PP-7057)  
518.920 n (PP-7057)  
518.925 n (PP-7057)  
518.1000 n (PP-7057)  
518.1005 n (PP-7057)  
518.2000 n (PP-7057)  
518.2005 n (PP-7057)  
518.2010 n (PP-7057)  
518.3000 n (PP-7057)  
518.3005 n (PP-7057)  
518.3010 n (PP-7057)  
518.4000 n (PP-7057)  
518.4005 n (PP-7057)  
518.4010 n (PP-7057)  
518.4015 n (PP-7057)  
518.4020 n (PP-7057)  
518.4025 n (PP-7057)  
518.4030 n (PP-7057)  
518.4035 n (PP-7057)  
518.4040 n (PP-7057)  
518.4045 n (PP-7057)  
518.4050 n (PP-7057)  
518.4055 n (PP-7057)  
518.4060 n (PP-7057)  
518.4065 n (PP-7057)  
518.4070 n (PP-7057)  
518.4075 n (PP-7057)  
518.4080 n (PP-7057)  
518.4085 n (PP-7057)  
518.4090 n (PP-7057)  
518.4095 n (PP-7057)  
518.4100 n (PP-7057)  
518.5000 n (PP-7057)  
518.Ex. A n (PP-7057)  
1003.20 am (A-7048)  
1003.30 am (A-7048)  
1003.40 am (R-7150; A-7048)







## ILLINOIS REGISTER ORDER FORM

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF  
CHANGE OF ADDRESS

**MICROFICHE SETS OF THE ILLINOIS REGISTER @\$200.00 per set**

\_\_\_\_ 1977-1978 (147 fiche) \_\_\_\_ 1979 (151 fiche) \_\_\_\_ 1980 (200 fiche) \_\_\_\_ 1981 (164 fiche)  
\_\_\_\_ 1982 (156 fiche) \_\_\_\_ 1983 (143 fiche) \_\_\_\_ 1984 (294 fiche) \_\_\_\_ 1985 (223 fiche)  
\_\_\_\_ 1986 (317 fiche) \_\_\_\_ 1987 (279 fiche)

**CUMULATIVE INDICES TO THE ILLINOIS REGISTER @\$1.00 each**

\_\_\_\_ 1981 \_\_\_\_ 1982 \_\_\_\_ 1983 \_\_\_\_ 1984 \_\_\_\_ 1985 \_\_\_\_ 1986 \_\_\_\_ 1987

**SECTIONS AFFECTED INDICES TO THE ILLINOIS REGISTER @\$1.00 each**

\_\_\_\_ 1984 \_\_\_\_ 1985 \_\_\_\_ 1986 \_\_\_\_ 1987

**SINGLE ISSUES OF THE ILLINOIS REGISTER (current year only) @\$10.00 each**

\_\_\_\_\_  
(Volume Number)

\_\_\_\_\_  
(Issue Number)

\_\_\_\_\_  
(Issue Date)

**ALL CHANGES OF ADDRESS MUST BE IN WRITING**

**(PLEASE ATTACH PRESENT MAILING LABEL OR INDICATE OLD ADDRESS AS WELL  
AS NEW ADDRESS)**

**SUBSCRIPTION TO THE ILLINOIS REGISTER** \_\_\_\_ **NEW** \_\_\_\_ **RENEWAL**  
**@\$200.00 annually**

\_\_\_\_\_  
NAME OF FIRM OR INDIVIDUAL (PLEASE TYPE OR PRINT)

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
CITY  
TELEPHONE NUMBER

\_\_\_\_\_  
STATE

\_\_\_\_\_  
ZIP CODE

\_\_\_\_\_  
TOTAL AMOUNT ENCLOSED (ALL FEES ARE NON-REFUNDABLE)

**MAIL PAYMENT, IN THE FORM OF A CHECK OR MONEY ORDER ONLY- MADE  
PAYABLE TO SECRETARY OF STATE, TO THE ADDRESS BELOW:**

**JIM EDGAR**  
**SECRETARY OF STATE**  
Address:  
Administrative Code Division  
201 West Monroe St.  
Springfield, IL 62756  
(217) 782-9786



**ORDER FORM**  
**Illinois Administrative Code**  
**and Supplements**

Please send me the following:

Amount

Illinois Administrative Code (1985 edition)

# of copies

\_\_\_\_\_ Complete Sets (9 volumes) of the *Illinois Administrative Code* at \$210.00 per set

\_\_\_\_\_ Volume 1 (includes Titles 1- General Provisions; 2 - Governmental Organization; 3 - Legislature; 5 - Courts; 8 - Agriculture and Animals; 11 - Alcohol, Horse Racing, and Lottery; and 14 - Commerce) at \$25.00 per copy

\_\_\_\_\_ Volume 2 (includes Titles 17 - Conservation; 20 - Corrections, Criminal Justice and Law Enforcement; 23 - Education and Cultural Resources; 26 - Elections; 29 - Emergency Services, Disasters, and Civil Defense; and 32 - Energy) at \$25.00 per copy

\_\_\_\_\_ Volume 3 (includes Titles 35 - Environmental Protection; 38 - Financial Institutions; and 41 - Fire Protection) at \$25.00 per copy

\_\_\_\_\_ Volume 4 (includes Titles 44 - Government Contracts, Procurement, and Property Management; 47 - Housing and Community Development; 50 - Insurance; 53 - Intergovernmental Relations; 56 - Labor and Employment; 59 - Mental Health; and 62 - Mining) at \$25.00 per copy

\_\_\_\_\_ Volume 5 (includes Titles 68 - Professions and Occupations; 71 - Public Buildings, Facilities, and Real Property; 74 - Public Finance; 77 - Public Health (Parts 100 through 705)) at \$25.00 per copy

\_\_\_\_\_ Volume 6 (includes Titles 77 - Public Health (Parts 720 through 2085); and 80 - Public Officials and Employees) at \$25.00 per copy

\_\_\_\_\_ Volume 7 (includes Titles 83 - Public Utilities; 86 - Revenue; and 89 - Social Services (Parts 101 through 150)) at \$25.00 per copy

\_\_\_\_\_ Volume 8 (includes Titles 89 - Social Services (Parts 210 through 1000); and 92 - Transportation (Parts 14 through 401)) at \$25.00 per copy

\_\_\_\_\_ Volume 9 (includes Titles 92 - Transportation (Parts 426 through 2520); and 95 - Veterans and Military Affairs) at \$25.00 per copy

1986 Supplement to the Code

# of copies

\_\_\_\_\_ Complete set(s) (2 volumes) of the 1986 Supplement at \$55.00 per set  
(out of print)

\_\_\_\_\_ Volume 1 of the Supplement (includes Titles 1, 2, 8, 11, 14, 17, 20, 23, 26, 32, 35, 38, 41, 44, 47, 50 and 56) at \$33.00 per copy

\_\_\_\_\_ Volume 2 of the Supplement (includes Titles 59, 62, 68, 71, 74, 77, 80, 83, 86, 89, 92, and 95) at \$33.00 per copy

(out of print)

1987 Supplement to the Code

# of copies

\_\_\_\_\_ Complete set(s) (2 volumes) of the 1987 Supplement at \$55.00 per set

Total Due

Name: \_\_\_\_\_

Firm/Company: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name and telephone number of person placing the order:

Name: \_\_\_\_\_

Telephone: \_\_\_\_\_